United Nations S/2002/532

Security Council

Distr. General
13 May 2002

Original: English

Bulgaria, China, France, Norway, Russian Federation, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling its previous relevant resolutions, including resolutions 986 (1995) of 14 April 1995, 1284 (1999) of 17 December 1999, 1352 (2001) of 1 June 2001, 1360 (2001) of 3 July 2001, and 1382 (2001) of 29 November 2001, as they relate to the improvement of the humanitarian programme for Iraq,

Convinced of the need as a temporary measure to continue to provide for the civilian needs of the Iraqi people until the fulfilment by the Government of Iraq of the relevant resolutions, including notably resolutions 687 (1991) of 3 April 1991 and 1284 (1999), allows the Council to take further action with regard to the prohibitions referred to in resolution 661 (1990) of 6 August 1990 in accordance with the provisions of these resolutions,

Recalling its decision in resolution 1382 (2001) to adopt the proposed Goods Review List and procedures for its application annexed to resolution 1382 (2001), subject to any refinements to them agreed by the Council in light of further consultations, for implementation beginning on 30 May 2002,

Determined to improve the humanitarian situation in Iraq,

Reaffirming the commitment of all Member States to the sovereignty and territorial integrity of Iraq,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that the provisions of resolution 986 (1995), except those contained in paragraphs 4, 11 and 12, and the provisions of paragraphs 2, 3 and 5 to 13 of resolution 1360 (2001), and subject to paragraph 15 of resolution 1284 (1999) and the other provisions of this present resolution, shall remain in force for a new period of 180 days beginning at 0001 hours, Eastern Daylight Time, on 30 May 2002;

2. *Decides* to adopt the revised Goods Review List (S/2002/515) and the revised attached procedures for its application for implementation beginning at 0001 hours, Eastern Daylight Time, on 30 May 2002 as a basis for the humanitarian programme in Iraq as referred to in resolution 986 (1995) and other relevant resolutions;

02-38109 (E) 140502

3. *Authorizes* States, beginning at 0001 hours, Eastern Daylight Time, on 30 May 2002, to permit, notwithstanding the provisions of paragraph 3 of resolution 661 (1990) and subject to the procedures for the application of the Goods Review List (S/2002/515), the sale or supply of any commodities or products other than commodities or products referred to in paragraph 24 of resolution 687 (1991) as it relates to military commodities and products, or military-related commodities or products covered by the Goods Review List (S/2002/515) pursuant to paragraph 24 of resolution 687 (1991) whose sale or supply to Iraq has not been approved by the Committee established pursuant to resolution 661 (1990);

4. *Decides* that, beginning at 0001 hours, Eastern Daylight Time, on 30 May 2002, the funds in the escrow account established pursuant to paragraph 7 of resolution 986 (1995) may also be used to finance the sale or supply to Iraq of those commodities or products that are authorized for sale or supply to Iraq under paragraph 3 above, provided that the conditions of paragraph 8 (a) of resolution 986 (1995) are met;

5. *Decides* to conduct regularly thorough reviews of the Goods Review List and the procedures for its implementation and to consider any necessary adjustment and further decides that the first such review and consideration of necessary adjustment shall be conducted prior to the end of the 180-day period established pursuant to paragraph 1 above;

6. *Decides* that, for the purposes of this resolution, references in resolution 1360 (2001) to the 150-day period established by that resolution shall be interpreted to refer to the 180-day period established pursuant to paragraph 1 above;

7. *Requests* that the Secretary-General and the Committee established pursuant to resolution 661 (1990) submit at least two weeks prior to the end of the 180-day period the reports referred to in paragraphs 5 and 6 of resolution 1360 (2001);

8. *Requests* the Secretary-General, in consultation with interested parties, to submit an assessment report on the implementation of the Goods Review List and its procedures by the end of the next period of implementation of resolution 986 (1995) beginning on 30 May 2002 and to include in the report recommendations on any necessary revision of the Goods Review List and its procedures, including the processing of contracts under paragraph 20 of resolution 687 (1991) and the utility of the Distribution Plan as referred to in paragraph 8 (a) (ii) of resolution 986 (1995);

9. *Decides* to remain seized of the matter.

Procedures
1 – The following procedures replace paragraphs 29 to 34 of document S/1996/636* and other existing procedures, notably for the implementation of the relevant provisions of paragraphs 17, 18 and 25 of resolution 1284 (1999) related to the processing of applications to be financed from the escrow account established pursuant to paragraph 7 of resolution 986 (1995).
2 – Each application (the "Notification or Request to Ship Goods to Iraq," as attached to these procedures, hereafter referred to as "the application,") for the sale or supply of commodities or products, to include services ancillary to the supply of such commodities and products, to Iraq to be financed from the escrow account established pursuant to paragraph 7 of resolution 986 (1995) must be forwarded to the Office of the Iraq Programme (OIP) by the exporting States through permanent or observer Missions, or by United Nations agencies and programmes. Each application should include complete technical specifications, as requested in the standard application form, concluded arrangements (e.g., contracts), and other relevant information, including, if known, whether the application contains any item(s) covered by the Goods Review List (GRL), in order for a determination to be made on whether the application contains any item referred to in paragraph 24 of resolution 687 (1991) as it relates to military commodities and products, or military-related commodities or products covered by the GRL.
3 – Each application will be reviewed and registered by OIP within 10 working days. In the case of a technically incomplete application, OIP may request additional information before transmitting the application to the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA). If OIP determines that the requested information is not provided within 90 days, the application will be considered supplier-inactive and no further action on the application will be taken until the information is provided. If the requested information is not received within a further 90 days, the application will lapse. OIP should notify the submitting Mission or United Nations agency in writing of any change in the status of the application. The OIP will identify an official to act as a contact point on each application.
4 – After OIP registration of the application, each application will be evaluated by technical experts from UNMOVIC and IAEA in order to determine whether the application contains any item referred to in paragraph 24 of resolution 687 (1991) as it relates to military commodities and products, or military-related commodities or products covered by the GRL ("GRL item(s)"). At their discretion and subject to the approval of the 661 Committee, UNMOVIC and IAEA may issue guidance regarding what categories of applications do not contain any item(s) covered by paragraph 24 of resolution 687 (1991) as it relates to military commodities and products, or military-related commodities or products covered by the GRL. UNMOVIC, IAEA and OIP, working in consultation, may develop a procedure whereby OIP may evaluate and approve applications that, based on this guidance, fall within these categories.
5 – Military goods and services are prohibited for sale or supply to Iraq under paragraph 24 of resolution 687 (1991) and are not subject to review under the GRL. For consideration of dual-use goods and services referred to in paragraph 24 of resolution 687 (1991), UNMOVIC and IAEA should process these goods and services pursuant to paragraph 9 of these procedures.
6 – Upon receipt of a registered application from OIP, UNMOVIC and/or IAEA will have 10 working days to evaluate an application as set forth in paragraphs 4 and 5. Absent action by UNMOVIC and/or IAEA within the 10-working-day period, the application will be considered approved. In the course of conducting the technical evaluation as set out in paragraphs 4 and 5 above, UNMOVIC and/or IAEA may request additional information from the submitting Mission or United Nations agency. The submitting Mission or United Nations agency should provide the additional information requested within a period of 90 days. Once UNMOVIC and/or IAEA receive the requested information, UNMOVIC and/or IAEA will have 10 working days to evaluate the application under the procedure set forth in paragraphs 4 and 5.

7 – If UNMOVIC and/or IAEA determine that the submitting Mission or United Nations agency has not provided the requested additional information within the 90-day period set out in paragraph 6 above, the application will be considered supplier-inactive and no further action on the application will be taken until the information is provided. If the requested information is not provided within a further 90 days, the application will lapse. OIP should notify the submitting Mission or United Nations agency in writing of any change in the status of the application.

8 – If UNMOVIC and/or IAEA determine that the application contains any item referred to in paragraph 24 of resolution 687 (1991) as it relates to military commodities and products, the application shall be considered ineligible for approval for the sale or supply to Iraq. UNMOVIC and/or IAEA will provide to the submitting Mission or United Nations agency through OIP a written explanation of this determination.

9 – If UNMOVIC and/or IAEA determine that the application contains any GRL item(s), they will immediately inform through OIP the submitting Mission or United Nations agency. Pursuant to paragraph 11 below, absent a request by the submitting Mission or United Nations agency for reconsideration within 10 working days, OIP will forward the application containing the GRL item(s) to the 661 Committee for the purpose of evaluating whether the GRL item(s) may be sold or supplied to Iraq. UNMOVIC and/or IAEA will provide to the 661 Committee through OIP a written explanation of this determination. In addition, OIP, UNMOVIC and/or IAEA, at the request of the submitting Mission or United Nations agency, will provide to the 661 Committee an assessment of the humanitarian, economic and security implications, of the approval or denial of the GRL item(s), including the viability of the whole contract in which the GRL item(s) appears and the risk of diversion of the item(s) for military purposes. The assessment provided by OIP to the Committee should be transmitted in parallel by OIP to the submitting Mission or United Nations agency. OIP will immediately inform appropriate United Nations agents of the finding of a GRL item(s) in the application and that the GRL item(s) may not be sold or supplied to Iraq unless otherwise notified by OIP that the procedures set forth in paragraphs 11 or 12 have resulted in approval for sale or supply of the GRL item(s) to Iraq. The remaining items in the application, which are determined as not covered by the GRL, will be considered approved for sale or supply to Iraq and, at the discretion of the submitting Mission or United Nations agency, and with the consent of the contracting parties, will be processed according to the procedure in paragraph 10 below. The relevant approval letter may be issued for such approved items under request from the submitting Mission or United Nations agency.

10 – If UNMOVIC and/or IAEA determine that the application does not contain any item referred to in paragraph 4 above, OIP will inform immediately the Government of Iraq and the submitting Mission or United Nations agency in written form. The exporter will be eligible for payment from the escrow account established pursuant to paragraph 7 of resolution 986 (1995) upon verification by United Nations agents that the items in the application have arrived in Iraq as contracted. OIP and the United Nations Treasury will inform the banks within five working days that the items in the application have arrived in Iraq.

11 – If the Mission or United Nations agency submitting an application disagrees with the determination that an application contains an item(s) covered by paragraph 24 of resolution 687 (1991) as it relates to military commodities and products, or military-related commodities or products covered by the GRL, it may request a reconsideration of this decision, based on the provision of technical information and/or explanations not previously included in the application, within 10 working days to OIP. In that event, UNMOVIC and/or IAEA will reconsider the item(s) in accordance with the procedures set out in paragraphs 4 to 6 above. The decision of UNMOVIC and/or IAEA will be final and no further reconsideration will be permitted. UNMOVIC and/or IAEA will provide to the 661 Committee through OIP a written explanation of the final decision of the reconsideration process. Applications shall not be forwarded to the 661 Committee until the reconsideration period has expired without a request being filed.

12 – Upon receipt of an application pursuant to paragraphs 9 or 11 above, the 661 Committee will have 10 working days to determine under existing procedures whether the item(s) may be sold or supplied to Iraq. The Committee may take a decision on an item(s) according to the following options: (a) Approval; (b) Approval subject to conditions as stipulated by the Committee; (c) Denial; (d) Request for additional information. Absent action by the Committee within the 10-working-day period, the application will be considered approved. A Committee member may request additional information. If the additional information is not provided in a 90-day period, the item(s) will be considered supplier-inactive and no further action on the application will be taken until the information is provided. If the requested information is not provided within a further 90 days, the application will be considered lapsed. OIP should notify the submitting Mission or United Nations agency in writing of any change in the status of the application. The Committee will have 20 working days to evaluate the requested additional information once provided by the submitting Mission or United Nations agency. Absent action by the Committee during the 20-working-day period, the item will be considered approved.
13 – Where the 661 Committee does not approve an item(s) for sale or supply to Iraq, the Committee will notify the submitting Mission or United Nations agency with an explanation through OIP accordingly. The submitting Mission or United Nations agency will have 30 working days to petition OIP to have the 661 Committee reconsider its decision based on new information not previously included in the application as reviewed by the 661 Committee. A decision by the 661 Committee on a petition received during this period shall be made within five working days and shall be considered final. Absent such a petition within 30 working days, the item will be considered ineligible for sale or supply to Iraq and OIP will notify the submitting Mission or United Nations agency accordingly.
14 – If an item(s) is found ineligible for sale or supply to Iraq or is considered lapsed, the supplier may submit a new application based on either a new or an amended contract, and the new application will be evaluated under the procedures enumerated in this document and will append the original application (for information purposes only and to facilitate review).
15 – If an item(s) is substituted for an item(s) that is either found ineligible for sale or supply to Iraq or is considered lapsed, the new item(s) will be submitted as a new application under the procedures enumerated in this document and will append the original application (for information purposes only and to facilitate review).
16 – Experts from OIP, UNMOVIC and IAEA who evaluate applications should be drawn from the broadest possible geographical base.
17 – The United Nations Secretariat will report to the 661 Committee at the end of each phase on the status of all applications submitted during this period, including contracts recirculated pursuant to paragraph 18 below. The Secretariat will provide to members of the 661 Committee at their request copies of applications approved by OIP, UNMOVIC and IAEA, within three working days after their approval, for information purposes only.

18 - OIP will divide contracts currently on hold into two categories — category A and category B. Category A will contain contracts on hold that have been designated by UNMOVIC as containing item(s) on one or more of the UNSCR resolution 1051 lists. Category A will also contain contracts that were both processed before the Security Council adopted UNSCR resolution 1284 and assessed by one or more members of the Sanctions Committee as containing item(s) on one or more of the UNSCR resolution 1051 lists. OIP will consider contracts in category A to be "returned to the submitting Mission or United Nations agency" and will notify the submitting Mission or United Nations agency accordingly, including national comments if possible. The submitting Mission or United Nations agency may submit a contract in category A as a new application under the GRL procedures. In category B will be all other contracts currently on hold. Contracts in category B will be recirculated by OIP under the GRL procedures. OIP will append the original committee registration number and national comments, for information purposes only, to any recirculated contracts. OIP should start this recirculation procedure within 60 days of adoption of this resolution and should complete the recirculation process within 60 days thereafter.

May 2002 - REVISED

SECURITY COUNCIL COMMITTEE ESTABLISHED BY RESOLUTION 661 (1990)
CONCERNING THE SITUATION BETWEEN IRAQ AND KUWAIT

NOTIFICATION OR REQUEST TO SHIP GOODS TO IRAQ

For further guidance regarding completion of application please consult OIP web site (www.un.org/Depts/oip/index)

(TO BE COMPLETED BY THE SECRETARIAT)

COMM. No.	REGISTRATION DATE	DATE RECEIVED BY UNMOVIC/IAEA (if applicable)	DATE SENT TO THE COMMITTEE (if applicable)

(TO BE COMPLETED BY PROSPECTIVE EXPORTING COUNTRY or INTERNATIONAL ORGANIZATION)

1. MISSION OR INTERNATIONAL ORGANIZATION	2. CERTIFYING SIGNATURE AND OFFICIAL SEAL
3. DATE OF SUBMISSION	4. MISSION REFERENCE No.

5. GOODS TO BE SHIPPED **(General description of the goods)**	6. NUMBER OF LINE ITEMS ON THE EXCEL FORM ATTACHMENT	7. TOTAL VALUE	8. CURRENCY ISO CODE

9. EXPORTER **Name:** **Address:** **Country:** **Phone/Fax/E-mail:**	10. ORIGIN of GOODS (if different from applicant State)
11. RECEIVING COMPANY/ORG. **Name:** **Address:** **Phone/Fax/E-mail:**	12. SHIPPING ARRANGEMENTS: **Select ONE Point of Entry into Iraq** ☐ Trebil ☐ Al Waleed ☐ Zakho ☐ Umm Qasr
13. END USER entity (if different from receiving company/org.) **Name:** **Address:** **Phone/Fax/E-mail:**	14. END USE Provide details of intended end-use. (attach additional sheets if necessary)

15. METHOD OF PAYMENT

☐ **From the Iraq Account in accordance with SC resolution 986 (1995)**
In this case, please fill out PAGE 2
(Relevant documentation including contract(s) must be attached)

☐ **By other arrangement** (in this case, disregard page 2)

16. ADDITIONAL INFORMATION:
(Attach additional sheet if necessary)

IF THIS NOTIFICATION OR REQUEST TO SHIP GOODS TO IRAQ IS TO BE PAID FROM THE IRAQ ACCOUNT IN ACCORDANCE WITH SC RESOLUTION 986 (1995) PLEASE FILL OUT THESE ADDITIONAL BOXES

(see box 15 on page 1)

MISSION REFERENCE No. :

17. IDENTICAL GOODS PREVIOUSLY SUBMITTED:

Indicate whether or not you have previously submitted an application(s) for IDENTICAL goods.

☐ YES ☐ NO ☐ UNABLE TO DETERMINE

If YES provide Comm. number reference(s) with respective item number(s).

18. DETAILED LIST OF GOODS:

Indicate whether or not the scope of supply includes any spare parts, accessories, sets, kits, tool boxes, tools, equipment, special tools, lots or consumables.

☐ YES ☐ NO

If YES indicate whether or not all components of the spare parts, accessories, sets, kits, tool boxes, tools, equipment, special tools, lots or consumables have been listed as separate line items with the relevant description, quantity and price on the attached Excel form application.

☐ YES ☐ NO (in this case, the document will not be registered by the Secretariat)

19. TECHNICAL INFORMATION:

Indicate whether or not the scope of supply includes (separately or as part of larger item) any of the goods and/or technology specified on the OIP web site (www.un.org/Depts/oip/cpmd/delays)

☐ YES ☐ NO

If YES indicate whether or not the relevant technical specification form for each item has been completed and attached to the application.

☐ YES ☐ NO

20. GRL RELATED ITEM(S) AND/OR TECHNOLOGY:

Indicate whether or not the scope of supply includes any item included in the Goods Review List (GRL). The GRL may be accessed via the OIP web site (www.un.org/Depts/oip…).

☐ **YES** ☐ **NO** ☐ **UNABLE TO DETERMINE**

If YES indicate below the line item number and description as from the Excel sheet of these goods considered to be included on the GRL.

Line Item No.

Description

GRL Ref. No.

(attach additional sheets if necessary)

IMPORTANT NOTICE

The following attachments are compulsory

1) **Excel form application listing IN DETAIL all goods (including all spare parts, accessories …) + diskette**
2) **Contract signed by both parties with all attachments, enclosures and annexes**
3) **All relevant documentations and/or technical specifications of the goods (e.g. brochures, pictures, diagrams, chemical composition, material composition, etc.)**

For further guidance regarding completion of application please consult OIP web site (www.un.org/Depts/oip/index)

United Nations A/56/940–S/2002/533

General Assembly
Security Council

Distr.: General
8 May 2002

Original: English

General Assembly
Fifty-sixth session
Agenda item 166
Measures to eliminate international terrorism

Security Council
Fifty-seventh year

Letter dated 8 May 2002 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I wish to draw your attention to the latest incidents of Palestinian terrorism directed against the citizens of Israel.

Last night, at approximately 11 p.m. (Israel time), a Palestinian suicide bomber entered a crowded pool hall in the Israeli city of Rishon Letzion and detonated powerful explosives contained in a suitcase he was carrying. The force of the bomb, which was packed with nails and other sharp implements to inflict maximum pain and suffering, caused the collapse of the ceiling and scattered debris more than 100 yards. At last count, 15 Israelis had been killed in the blast and nearly 60 others injured, several of them critically. The terrorist organization Hamas claimed responsibility for the attack.

This afternoon, a Palestinian suicide bomber blew himself up near the Megiddo junction in northern Israel, just a few kilometres from the city of Jenin. No injuries were reported and it appears the bomb may have exploded prematurely. The Megiddo blast is just one of a number of failed or thwarted terrorist attacks in recent days.

These bombings are the latest incidents in the Palestinian campaign of terrorism that has been detailed in letters dated 1 May 2002 (A/56/936 S/2002/503), 12 April 2002 (A/56/909-S/2002/415), 10 April 2002 (A/56/912-S/2002/373), 1 April 2002 (A/56/895-S/2002/337), 27 March 2002 (A/56/891-S/2002/322), 26 March 2002 (A/56/889-S/2002/315), 18 March 2002 (A/56/880-S/2002/293), 14 March 2002 (A/56/876-S/2002/280), 11 March 2002 (A/56/867-S/2002/257), 8 March 2002 (A/56/864-S/2002/252), 5 March 2002 (A/56/857-S/2002/233), 4 March 2002 (A/56/854-S/2002/222), 27 February 2002 (A/56/843-S/2002/208), 20 February 2002 (A/56/828-S/2002/185), 19 February 2002 (A/56/824-S/2002/174), 11 February 2002 (A/56/819-S/2002/164), 8 February 2002 (A/56/814-S/2002/155), 28 January 2002 (A/56/798-S/2002/126), 22 January 2002 (A/56/738-S/2002/104), 18 January 2002 (A/56/781-S/2002/86), 16 January 2002 (A/56/774-S/2002/73), 11 January 2002 (A/56/771-S/2002/47), 4 January 2002 (A/56/766-S/2002/25), 13 December 2001 (A/56/706-S/2001/1198), 4 December 2001 (A/56/678-S/2001/1150), 30 November

02-37496 (E) 090502

2001 (A/56/670-S/2001/1141), 27 November 2001 (A/56/663-S/2001/1121), 12 November 2001 (A/56/617-S/2001/1071), 5 November 2001 (A/56/604-S/2001/1048), 24 October 2001 (A/56/506-S/2001/1011), 19 October 2001 (A/56/492-S/2001/990), 17 October 2001 (A/56/483-S/2001/975), 8 October 2001 (A/56/450-S/2001/948), 5 October 2001 (A/56/444-S/2001/943), 3 October 2001 (A/56/438-S/2001/938), 24 September 2001 (A/56/406-S/2001/907), 20 September 2001 (A/56/386-S/2001/892), 17 September 2001 (A/56/367-S/2001/875), 7 September 2001 (A/56/346-S/2001/858), 4 September 2001 (A/56/331-S/2001/840), 30 August 2001 (A/56/325-S/2001/834), 27 August 2001 (A/56/324-S/2001/825), 13 August 2001 (A/56/294-S/2001/787), 9 August 2001 (A/56/286-S/2001/780), 8 August 2001 (A/56/280-S/2001/775), 6 August 2001 (A/56/272-S/2001/768), 27 July 2001 (A/56/225-S/2001/743), 26 July 2001 (A/56/223-S/2001/737), 17 July 2001 (A/56/201-S/2001/706), 13 July 2001 (A/56/184-S/2001/696), 3 July 2001 (A/56/138-S/2001/662), 2 July 2001 (A/56/131-S/2001/656), 21 June 2001 (A/56/119-S/2001/619), 19 June 2001 (A/56/98-S/2001/611), 18 June 2001 (A/56/97-S/2001/604), 13 June 2001 (A/56/92-S/2001/585), 11 June 2001 (A/56/91-S/2001/580), 4 June 2001 (A/56/85-S/2001/555), 30 May 2001 (A/56/81-S/2001/540), 25 May 2001 (A/56/80-S/2001/524), 18 May 2001 (A/56/78-S/2001/506), 11 May 2001 (A/56/72-S/2001/473), 9 May 2001 (A/56/69-S/2001/459), 1 May 2001 (A/55/924-S/2001/435), 23 April 2001 (A/55/910-S/2001/396), 16 April 2001 (A/55/901-S/2001/364), 28 March 2001 (A/55/863-S/2001/291), 27 March 2001 (A/55/860-S/2001/280), 26 March 2001 (A/55/858-S/2001/278), 19 March 2001 (A/55/842-S/2001/244), 5 March 2001 (A/55/821-S/2001/193), 2 March 2001 (A/55/819-S/2001/187), 14 February 2001 (A/55/787-S/2001/137), 13 February 2001 (A/55/781-S/2001/132), 2 February 2001 (A/55/762-S/2001/103), 25 January 2001 (A/55/748-S/2001/81), 23 January 2001 (A/55/742-S/2001/71), 28 December 2000 (A/55/719-S/2000/1252), 22 November 2000 (A/55/641-S/2000/1114), 20 November 2000 (A/55/634-S/2000/1108) and 2 November 2000 (A/55/540-S/2000/1065).

Israel holds the Palestinian Authority, and its Chairman, Yasser Arafat, directly responsible for these attacks. As detailed in documents Israel has uncovered and made available to the international community, the Palestinian Authority has been actively involved in financing and organizing terrorist attacks against Israeli civilians. These activities come in addition to the virulent anti-Israeli incitement in the official Palestinian media, and the indoctrination of hatred and the glorification of suicide and martyrdom pervasive in the Palestinian educational system that has been publicized and well known for years. Continued Palestinian terrorist acts clearly demonstrate that the Palestinian leadership has yet to abandon its strategic choice to forsake the path of dialogue and reconciliation in favour of a bloody campaign of violence against Israeli civilians.

In the light of the continuing threat of violence, Israel has no choice but to take the steps it deems necessary, in accordance with its right to self-defence, to provide security for its citizens. In the absence of any genuine Palestinian actions to destroy the terrorist infrastructure that has taken root in its territory and to cut off funding for terrorist organizations, Israel has been compelled to undertake these actions itself.

Israel calls upon the international community to reaffirm that there is absolutely no justification whatsoever for attacks against innocent, unarmed and defenceless civilians. As recognized in Security Council resolutions 1368 (2001) and 1373 (2001), terrorism constitutes a threat to international peace and security

which gives rise to the inherent right of self-defence. Israel further calls upon the international community to impress upon the Palestinian leadership that the realization of the legitimate aspirations of the Palestinian people will be impossible so long as it continues to incite and support acts of terror against Israel.

I should be grateful if you would arrange to have the text of this letter circulated as a document of the fifty-sixth session of the General Assembly, under agenda item 166, and of the Security Council.

(*Signed*) Yehuda **Lancry**
Permanent Representative

United Nations S/2002/534

Security Council

Distr.: General
9 May 2002

Original: English

Letter dated 7 May 2002 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith as an annex to this letter the cases of violations by Iraq of the terms of the ceasefire between the two countries from 16 May to 26 July 2001.

I should be grateful if the present letter and its annex were circulated as a document of the Security Council.

(*Signed*) Hadi **Nejad-Hosseinian**
Ambassador
Permanent Representative

02-37591 (E) 130502

Annex to the letter dated 7 May 2002 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

A) CEASEFIRE VIOLATIONS:

1-On 20 May 2001 at 1530 hours, an Iraqi patrol boat carrying 2 persons was spotted patrolling in the waters of the I.R. of Iran at (39RTP 46800-48000) coordinates of Khosro Abad map.

2-On 21 May 2001 at 1100 hours, an Iraqi gray painted patrol boat carrying 2 persons was spotted patrolling in the waters of the I.R. of Iran at (39RTP 29800-62000) coordinates of Khoramshahr map.

3-On 16 May 2001 at 2000 hours, an Iraqi gray painted patrol boat carrying 2 persons was spotted patrolling in the waters of the I.R. of Iran at (39RTP 29800-62000) coordinates of Khoramshahr map.

4-On 19 May 2001 at 1745 hours, four persons form the Iraqi forces fired 8 Douschka shots to the Iranian forces in the observation post at (38SND, NC 51000-91000) coordinates of Kharatha map.

5-On 27/2/80 (17 May 2001) the Iraqi forces fired 2 120mm mortar shells at (38RQA QV 68000- 98000) coordinates of Saeedieh map.

6-On 23 April 2001 at 0910 hours, a black power shovel was spotted excavating and digging a canal at (39RTP 48000- 46000) coordinates of Khosro Abad map.

7- persons from the Iraqi forces were spotted trying to infiltrate into the territory of the I.R. of Iran before Duraji outpost at (38S NB/PB 11000-71000) coordinates of Mehran map.

8-On 5 June 2001 at 0030 hours, the Iraqi forces fired illuminating rockets shots to the Iranian forces at (39RTP, 44100-55000) coordinates of Abadan map.

9-On 4 June 2001 at 0430 hours, one person from the Iraqi forces was spotted trying to infiltrate into the territory of the I.R. of Iran at (38S NB/PB 11000- 71000) coordinates of Nahre Anbar map. Encountered with the Iranian forces, he was forced to flee back into the Iraqi territory.

10-On 6 June 2001 an Iraqi patrol boat carrying 2 persons was spotted patrolling in the waters of the I.R. of Iran at (39RTP 36000-60200) coordinates of Abadan map.

11-On 8 June 2001 an Iraqi white painted patrol boat carrying 5 persons was spotted patrolling in the waters of the I.R. of Iran at (39RTP 70000-14000) coordinates of Nahre Alishir map.

12-On 7 June 2001 at 0855 hours a white Toyota carrying 7 persons was spotted filming the area at (38RQA 69600- 21800) coordinates of Chazzabeh map.

13-On 27 May 2001 at 0315 hours, the Iraqi forces fired twelve 82mm mortar shells at (38SQA, 31000-82000) coordinates of Nahre Anbar map.

14-On 10 June 2001 at 1335 hours, an Iraqi gray painted patrol boat carrying 2 persons was spotted patrolling at (39RTP 33500-58000) coordinates of Khoramshahr map.

15-On 12 June 2001 at 1220 hours, an Iraqi cream painted patrol boat carrying 3 persons was spotted patrolling in the waters of the I.R. of Iran at (39R TP/TN 68000-15000) coordinates of Nahre Alishir map.

16-On 13 June 2001 at 2000 and 0910 hours, two Iraqi blue and gray painted patrol boats respectively carrying 2 persons were spotted

patrolling - in the waters of the I.R. of Iran at (39RTP 36000-59900) coordinates of Abadan map.

17-On 17 June 2001 at 0030 hours, the Iraqi forces fired one 82mm mortar shell at (38 RQV, 57000-73000) coordinates of South Hur al Hovaizeh map.

18-On 18 June 2001 at 1910 hours, an Iraqi cream painted patrol boat carrying 3 persons was spotted patrolling in the waters of the I.R. of Iran at (39R TP/TN 68000-15000) coordinates of Nahre Alishir map.

19-On 19 June 2001 at 0810 hours, an Iraqi patrol boat carrying 3 persons was spotted patrolling in the waters of the I.R. of Iran at (39R TP/TN 70000-13800) coordinates of Nahre Alishir map.

20-On 26 June 2001 at 0830 hours, one person from the Iraqi forces was spotted trying to infiltrate into the territory of the I.R. of Iran at (38RQA/QV 72000- 90000) coordinates of Saeedieh map.

21-On 21 June 2001 at 1100 hours, an Iraqi intelligence gathering gray painted patrol boat carrying 3 persons was spotted patrolling at (39RTP 35000-59750) coordinates of Khoramshahr map.

22-On 21 June 2001 at 1150 hours, an Iraqi cream painted patrol boat carrying two persons was spotted patrolling at (39RTP 28800-68000) coordinates of Khoramshahr map.

23-On 26 June 2001 at 1500 hours, an Iraqi blue painted patrol boat carrying one person was spotted patrolling at (39RTP 31000-58000) coordinates of Khoramshahr map.

24-On 28 June 2001 at 2330 hours, two persons from the Iraqi forces were spotted trying to infiltrate into the territory of the I.R. of Iran at (39R

TQ/TP 17000- 84000) coordinates of Navad map. The Iranian forces arrested them.

25-On 28 June 2001 at 0840 hours, an Iraqi ferry along with a cream painted patrol boat was spotted patrolling at (39TP/TN 74000-46000) coordinates of Nahre Alishir map.

26-On 28 June 2001 at 1830 hours, an Iraqi blue painted patrol boat carrying two persons was spotted patrolling at (39RTP 49000-46000) coordinates of Khosro Abad map.

27-On 29 June 2001 at 1100 hours, an Iraqi gray painted patrol boat carrying two persons was spotted patrolling in the waters of the I.R. of Iran at (39RTP 33300-58000) coordinates of Khoramshahr map.

28-~~On~~ 2 July 2001 the Iraqi forces fired 3 mortar shells at (38SQA 38000- 74000) coordinates of Ein Khosh map.

29-On 18 June 2001 at 0630 hours 3 Iraqis were spotted trying to infiltrate into the territory of the I.R. of Iran at (39RTP 35200- 62000) coordinates of Khoramshahr map. The Iranian forces arrested them.

30-On 6 July 2001 at 1120 hours, an Iraqi cream painted patrol boat carrying 2 persons was spotted patrolling in the waters of the I.R. of Iran at (39R/TP 68500-14800) coordinates of Nahre Alishir map.

31- On 7 July 2001 at 0845 hours, an Iraqi gray painted patrol boat carrying 2 persons was spotted patrolling in the waters of the I.R. of Iran at (39R/TP 48150 36000) coordinates of Khosro Abad map.

32-On 2 July 2001 at 0932 hours, an Iraqi green painted patrol boat carrying 3 persons was spotted patrolling in the waters of the I.R. of Iran at (39R/TP/TN 70300- 13700) coordinates of Nahre Alishir map.

33-On 3 July 2001 at 1010 hours, an Iraqi gray painted patrol boat was spotted patrolling in the waters of the I.R. of Iran at (39R/TP 51450- 42000) coordinates of Khosro Abad map.

34-On 3 July 2001 at 1100 hours, an Iraqi cream painted patrol boat was spotted patrolling in the waters of the I.R. of Iran at (39RTP/TN 70200-13800) coordinates of Nahre Alishir map.

35- On 11 July 2001 at 1052 hours, an Iraqi patrol boat carrying 1 person was spotted patrolling in the waters of the I.R. of Iran at (39R/TP 37000-59700) coordinates of Abadan map.

36-On 11 July 2001 at 1140 hours, an Iraqi patrol boat carrying 3 persons was spotted patrolling in the waters of the I.R. of Iran at (39R/TP 35000-59500) coordinates of Khoramshahr map.

37- On 11 July 2001 at 2020 hours, the Iraqi forces fired one 82mm mortar shell from (38RQV 55600- 71900) coordinates of South Hur Al Hovaizeh map which hit at (38 RQV, 58000-72000) coordinates of the same map.

38-On 3 May 2001 the Iraqi forces fired 26 122 mm Katuscha mortar shells from the South of Shorshirin River at (38S NC/PC/NB/PB 11000-01000) coordinates of Saleh Abad map.

39-On 12 July 2001 at 1615 hours, an Iraqi power shovel was spotted at work at (39RTP 52500- 30800) coordinates of Khosro Abad map.

40-On 12 July 2001 at 1730 hours, an Iraqi white painted patrol boat carrying 3 persons was spotted patrolling in the waters of the I.R. of Iran at (39RTP 65500- 15800) coordinates of Nahre Alishir map.

41-On 13 July 2001 at 1515 hours, an Iraqi cream painted patrol boat carrying 3 persons was spotted patrolling in the waters of the I.R. of Iran at (39RTP 70400- 13700) coordinates of Nahre Alishir map.

42-On 13 July 2001 at 1520 hours, an Iraqi cream painted patrol boat carrying 1 person was spotted patrolling in the waters of the I.R. of Iran at (39RTP 70400- 13700) coordinates of Nahre Alishir map.

43-On 31 May 2001 at 2200 hours, a team from the Iraqi forces was spotted trying to open a way into the territory of the I.R. of Iran at (38S ND/NC 55000- 90000) coordinates of Kharatha map. Facing the Iranian forces stationed in the area, they fled back into the Iraqi territory.

44- On 28 May 2001 at 2200 hours, a team of 5 persons, 3 from the Iraqi forces and 2 guides were spotted trying to infiltrate into the territory of the I.R. of Iran at (39RTP 31500- 57700) coordinates of Khoramshahr map. As a result, one of the M.K.O. members and one of the guides were arrested and the rest fled back into the Iraqi territory.

45-On 20 July 2001 at 1840 hours, an Iraqi white painted patrol boat carrying 4 persons was spotted patrolling in the waters of the I.R. of Iran at (39R TP/TN 65200-15900) coordinates of Nahre Alishir map.

46-On 19 July 2001 at 1000 hours, an Iraqi patrol boat carrying 2 persons was spotted patrolling in the waters of the I.R. of Iran at (39R TP 36000-59900) coordinates of Abadan map.

47- On 19 July 2001 at 1025 hours, an Iraqi cream painted patrol boat carrying two persons was spotted patrolling at (39RTP 35000-59700) coordinates of Khoramshahr map

48- On 22 July 2001 at 1735 hours, an Iraqi gray painted patrol boat carrying two persons was spotted patrolling at (39RTP 33400-58000) coordinates of Khoramshahr map

49- On 23 July 2001 at 1030 hours, an Iraqi cream painted patrol boat carrying two persons was spotted patrolling at (39RTP 35000-59700) coordinates of Khoramshahr map

50-On 24 July 2001 at 1615 hours, the Iraqi forces stationed at Abu Gharib outpost fired 2 Grinov shots at the territory of the I.R. of Iran at (38S NC 6400- 28000) coordinates of Kani ShaiKh map. The Iranian forces reciprocated the attack.

51- On 24 July 2001 at 1830 hours, an Iraqi patrol boat carrying two persons was spotted patrolling in the waters of the I.R. of Iran at (39RTP 46000-49000) coordinates of Khosro Abad map.

52- On 25 July 2001 at 1545 hours, an Iraqi patrol boat carrying two persons was spotted patrolling in the waters of the I.R. of Iran at (39RTP/TN 74000-13700) coordinates of Nahre Alishir map.

53- On 26 July 2001 at 0930 hours, an Iraqi patrol boat carrying two persons was spotted patrolling in the waters of the I.R. of Iran at (39RTP/TN 65500-16000) coordinates of Nahre Alishir map.

54- On 26 July 2001 at 1135 hours, an Iraqi patrol boat carrying one person was spotted patrolling in the waters of the I.R. of Iran at (39RTP 42000-54000) coordinates of Abadan map.

55-On 6 July 2001, an Iraqi power shovel was spotted dredging and excavating a canal derived from Khin River at (39RTP 15000- 74200) coordinates of Khoramshahr map.

B) BORDER EVENTS:

1-On 6 July 2001 at 2330 hours, two Iraqi Kurds named Marivan Aziz Mohammad and Ne' man Rostam who tried to illegally enter the territory of the I.R. of Iran at (38SND 65100- 54600) coordinates of Chefteh map were arrested by the Iranian forces.

2-On 29 May 2001, an Iraqi Kurd named Mohammad Ali who tried to illegally enter the territory of the I.R. of Iran at (39RTP 38000- 60000) coordinates of Abadan map was arrested by the Iranian forces.

3- On 12 June 2001, three persons from the Iraqi forces named Jasem Tayb Kazem, Hamzeh Kamel Hossaini and Jaseb Azab Jahill along with two Iranians named Abdullah and Javad Saedi who tried to illegally enter the territory of the I.R. of Iran at (38RQA/QV 81000- 15000) coordinates of Saeedieh map were arrested by the Iranian forces.

4- On 18 June 2001, at 0600 hours, three Iraqi civilians named Fozi Abdulhossaini Hasan, Khalil Ne'man Eisa and Kazem Ali Mohammad who tried to illegally enter the territory of the I.R. of Iran at (39RTP 33600- 59000) coordinates of Khoramshahr map were arrested by the Iranian forces.

5- On 3 June 2001, at 0600 hours, an Irqi civilian named Mohammad Reza Saleh who tried to illegally enter the territory of the I.R. of Iran at (39RTP 55500- 22900) coordinates of Khosro Abad map were arrested by the Iranian forces.

6- On 25 June 2001, at 0600 hours, an Irqi civilian who tried to illegally enter the territory of the I.R. of Iran at (38RQA/QV 71000- 92000) coordinates on Saeedieh map were arrested by the Iranian forces.

7- On 28 June 2001 at 2330 hours, two persons from the Iraqi forces named Ali Abbas Saleh and Abbas Ali Khodaee who tried to illegally enter the territory of

the I.R. of Iran at (39RTQ/TP 17000- 84000) coordinates of Navad map were arrested by the Iranian forces.

8- On 4 July 2001 at 1030 hours, an Iraqi woman named Laila Mazraeh Hamzeh who tried to illegally enter the territory of the I.R. of Iran at (38RQA/QV 75000- 14500) coordinates of Saeedieh map were arrested by the Iranian forces.

9- On 13 June 2001, at 0130 hours, three persons from the Iraqi forces named Reza Bash Ghshlaghi son of Abolfath, Mehdi Tafzaki son ofHassain and Mohsen Bahrami son of Mohammad Reza tried to illegally enter the territory of the I.R. of Iran at (39RTP 43500- 52000) coordinates of Abadan map with a boat. In the course of the clashes with the Iranian forces, their boat sank and the Iranian forces arrested its passengers.

10 ~~On~~ 18 June 2001, three Iraqi civilians who tried to illegally enter the territory of the I.R. of Iran at (38RQV 74400- 58500) coordinates of West Jafir map were arrested by the Iranian forces.

11- On 22 May 2001, two Iraqi civilians who tried to illegally enter the territory of the I.R. of Iran at Safarieh region at (38RQA 66000- 27000) coordinates of Chazzabeh map were arrested by the Iranian forces.

12-On 21 July 2001 at 0200 hours, a raft carrying three persons was spotted trying to enter the territory of the I.R. of Iran at (39RTP 42200-54000) coordinates of Abadan map. The shots of the Iranian forces made them flee back into the Iraqi territory.

13- On 24 July 2001, at 0100 hours, three Iraqi civilians tried to illegally enter the territory of the I.R. of Iran at (39RTP 44000- 51500) coordinates of Abadan map with a boat. Clashed with the Iranian forces two of them were killed and the third one named Hedayat Tavanaee who is a former M.K.O. member was arrested by the Iranian forces.

United Nations S/2002/535

Security Council

Distr.: General
9 May 2002

Original: English

Letter dated 26 April 2002 from the Permanent Representatives of Portugal, the Russian Federation and the United States of America addressed to the President of the Security Council

We have the honour to forward herewith a joint statement of the observer countries to the Angolan peace process read in the open meeting of the Security Council on the situation in Angola held on 23 April 2002 (see annex).

We should be grateful if you could kindly arrange to have this statement circulated as a document of the Security Council.

(*Signed*) Francisco **Seixas da Costa**
Permanent Representative of Portugal
to the United Nations

(*Signed*) Sergei V. **Lavrov**
Permanent Representative of the Russian Federation
to the United Nations

(*Signed*) John D. **Negroponte**
Permanent Representative of the United States of America
to the United Nations

02-37668 (E) 100502

Annex to the letter dated 26 April 2002 from the Permanent Representatives of Portugal, the Russian Federation and the United States of America addressed to the President of the Security Council

Common position of the Troika for presentation at the Security Council briefing on Angola by Under-Secretary-General Ibrahim Gambari (23 April 2002)

Since the United Nations Security Council met to consider Angola in late March, several momentous events have taken place. On 30 March, the Government of Angola and the National Union for the Total Independence of Angola (UNITA) military representatives reached a ceasefire and demobilization agreement. Following that, the sides formally signed the agreement on 4 April in a ceremony witnessed by the Troika and attended by other national and international observers.

It was evident from that ceremony, and the national celebration that followed, that Angolans believe their long nightmare of almost constant conflict since achieving independence is over. The Troika joins the international community in praising the courage of all parties in taking this important step and making clear their understanding that prosperity, democracy, and national reconciliation — not bloodshed — should be the future of the Angolan people.

The ceasefire agreement is a turning point in Angolan history. We applaud the Government's efforts in reaching this agreement and in following up on its important call for peace of 13 March. We also are pleased by the agreement's general acceptance within the ranks of UNITA, including among its parliamentarians in Luanda and those abroad associated with UNITA. We now call upon all UNITA-associated persons to take the next step — to rebuild their party and pursue their political aims peacefully.

The Troika again welcomes the intention of the Government of Angola to provide conditions which will permit UNITA to resolve internally and freely the problems of its leadership and reorganization, and in this context recalls the speech made by President dos Santos to his nation on 3 April. In that statement of hope, the President called for the "reunion of the great Angolan family". President dos Santos also noted that it is important for Angolans to "forsake feelings of hatred and vengeance". The Troika agrees and looks forward to the spirit of reconciliation further spreading out through Angolan society.

This national reconciliation must encompass not only those who fought, but also those who suffered. The Angolan people must be part of national reconciliation and, in this sense, we applaud both the Government's and UNITA's understanding that all of society, including the churches, peaceful political parties, and civic and professional organizations must play an important role in the post-conflict socio-economic rehabilitation of the country, thereby helping to create a positive atmosphere for continued dialogue between the Government and UNITA.

The Troika further believes that Angolans must build upon their recent successes to guarantee peace and future prosperity. It calls upon the Government to put in place quickly the cantonment areas for UNITA forces to make it possible for UNITA troops to concentrate in those locations. The Government also must redouble

its efforts on the humanitarian front, since the healing of the Angolan people will be incomplete as long as 4 million persons are internally displaced and 500,000 are abroad as refugees.

We welcome the reconstitution of the Joint Military Commission to oversee the ceasefire. This Commission should run in as transparent a manner as possible to reassure all that the decisions it reaches are arrived at consensually. In a similar manner, the Troika looks forward to the reconstitution of the Joint Political Commission as soon as the parties are prepared to take their seats.

Many challenges lie ahead for the Angolan people. The last few weeks have given us confidence that these will be overcome, mainly through the resources and ingenuity of the Angolan people themselves. Again, we applaud what has been accomplished and look hopefully to what will come.

In closing, members of the Troika wish to underscore once again the valuable role that the United Nations and Under-Secretary-General Ibrahim Gambari have played in the peace process. Within the responsibilities the Troika assumed under the Lusaka Protocol, we are prepared to continue to assist the cause of national reconciliation in Angola.

United Nations A/ES-10/173–S/2002/536

General Assembly
Security Council

Distr.: General
10 May 2002

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-seventh year

Identical letters dated 10 May 2002 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

The Israeli military campaign against the Palestinian people continues unabated, and the human rights violations, war crimes and State terrorism being committed by the Israeli occupying forces continue to mount. The most recent escalation of this campaign, being waged now for over five weeks, has not been reversed nor has it ceased. Security Council resolutions 1402 (2002) and 1403 (2002) have not yet been fully implemented as Israel, the occupying Power, continues its onslaught in the Occupied Palestinian Territory.

Palestinian cities remain under siege and, in fact, the Israeli occupying forces have repeatedly reinvaded and reoccupied parts of several Palestinian cities. The occupying forces also continued to raid homes and buildings during these recurring invasions, abducting 17 more Palestinians only yesterday. The detrimental impact of this continuing siege on the socio-economic life of the Palestinian people continues to be severe and suffocating, and the humanitarian situation on the ground as a result continues to be grave.

Moreover, the Israeli occupying forces continue to use excessive and indiscriminate force, killing more Palestinians, including children, women and elderly, and causing wanton destruction as they carry out this bloody military campaign. A tragic illustration of this excessive use of force was the killing of a Palestinian woman and two children in Jenin on 6 May. As a tank and armoured personnel carrier moved, a tank tread broke apart and, blindly assuming the noise was an attack and claiming "suspicious movement" nearby, the occupying soldiers fired indiscriminately, killing the woman and her son and daughter.

Furthermore, it is now being reported that the Israeli occupying forces are carrying out preparations to launch yet more intense assaults, this time against the densely populated Gaza Strip. An Israeli official has stated that they plan to strike in the form of "air attacks and well-targeted ground operations". These preparations are taking place despite the Palestinian Authority's condemnation of the suicide

02-37817 (E) 130502

bombing that occurred in Israel on 7 May. Moreover, such preparations are occurring despite clear statements made by President Arafat, on 8 May, calling on Palestinian security forces "to confront and prevent and any terror attacks against Israeli civilians from any Palestinian", in spite of the great difficulties facing these forces due to the Israeli attacks against them and the widespread destruction caused to their facilities.

The intent of Israel, the occupying Power, to cause even more death and destruction among the Palestinian people is glaringly apparent as its occupying forces plan and prepare to carry out even more deadly assaults. This intention was vociferously reaffirmed by the Israeli Prime Minister, Ariel Sharon, when he declared on 7 May, "He who rises up to kill us — we will pre-empt it, and kill him first". Such statements by the Israeli leader are reflective of the increasing, and indeed frightening, acceptance of the culture of killing as the norm for the occupying Power in dealing with the Palestinian people.

In follow-up to my previous 119 letters to you regarding the ongoing crisis in the Occupied Palestinian Territory, including Jerusalem, dated from 29 September 2000 to 29 April 2002 (A/55/432-S/2000/921; A/55/437-S/2000/930; A/55/450-S/2000/957; A/55/466-S/2000/971; A/55/474-S/2000/984; A/55/490-S/2000/993; A/ES-10/39-S/2000/1015; A/ES-10/40-S/2000/1025; A/ES-10/42-S/2000/1068; A/ES-10/43-S/2000/1078; A/ES-10/44-S/2000/1093; A/ES-10/45-S/2000/1104; A/ES-10/46-S/2000/1107; A/ES-10/47-S/2000/1116; A/ES-10/48-S/2000/1129; A/ES-10/49-S/2000/1154; A/ES-10/50-S/2000/1173; A/ES-10/51-S/2000/1185; A/ES-10/52-S/2000/1206; A/ES-10/53-S/2000/1247; A/ES-10/54-S/2001/7; A/ES-10/55-S/2001/33; A/ES-10/56-S/2001/50; A/ES-10/57-S/2001/101; A/ES-10/58-S/2001/131; A/ES-10/59-S/2001/156; A/ES-10/60-S/2001/175; A/ES-10/61-S/2001/189; A/ES-10/64-S/2001/209; A/ES-10/65-S/2001/226; A/ES-10/66-S/2001/239; A/ES-10/67-S/2001/255; A/ES-10/68-S/2001/284; A/ES-10/69-S/2001/295; A/ES-10/70-S/2001/304; A/ES-10/71-S/2001/314; A/ES-10/72-S/2001/332; A/ES-10/75-S/2001/352; A/ES-10/76-S/2001/372; A/ES-10/79-S/2001/418; A/ES-10/80-S/2001/432; A/ES-10/81-S/2001/447; A/ES-10/82-S/2001/463; A/ES-10/83-S/2001/471; A/ES-10/84-S/2001/479; A/ES-10/85-S/2001/486; A/ES-10/86-S/2001/496; A/ES-10/87-S/2001/504; A/ES-10/88-S/2001/508; A/ES-10/89-S/2001/544; A/ES-10/90-S/2001/586; A/ES-10/91-S/2001/605; A/ES-10/92-S/2001/629; A/ES-10/93-S/2001/657; A/ES-10/94-S/2001/669; A/ES-10/95-S/2001/686; A/ES-10/96-S/2001/697; A/ES-10/97-S/2001/708; A/ES-10/98-S/2001/717; A/ES-10/99-S/2001/742; A/ES-10/100-S/2001/754; A/ES-10/101-S/2001/783; A/ES-10/102-S/2001/785; A/ES-10/103-S/2001/798; A/ES-10/104-S/2001/812; A/ES-10/105-S/2001/814; A/ES-10/107-S/2001/821; A/ES-10/108-S/2001/826; A/ES-10/111-S/2001/880; A/ES-10/112-S/2001/918; A/ES-10/114-S/2001/928; A/ES-10/115-S/2001/932; A/ES-10/116-S/2001/941; A/ES-10/117-S/2001/971; A/ES-10/118-S/2001/989; A/ES-10/119-S/2001/991; A/ES-10/121-S/2001/1007; A/ES-10/122-S/2001/1024; A/ES-10/123-S/2001/1036; A/ES-10/124-S/2001/1084; A/ES-10/125-S/2001/1092; A/ES-10/126-S/2001/1118; A/ES-10/128-S/2001/1149; A/ES-10/129-S/2001/1166; A/ES-10/133-S/2001/1239; A/ES-10/134-S/2001/1261; A/ES-10/136-S/2002/18; A/ES-10/137-S/2002/39; A/ES-10/138-S/2002/48; A/ES-10/139-S/2002/58; A/ES-10/140-S/2002/89; A/ES-10/141-S/2002/95; A/ES-10/142-S/2002/102; A/ES-10/143-S/2002/121; A/ES-10/144-S/2002/142; A/ES-10/145-S/2002/146; A/ES-10/146-S/2002/165; A/ES-10/147-S/2002/175; A/ES-10/148-S/2002/182; A/ES-10/149-

S/2002/186; A/ES-10/150-S/2002/214; A/ES-10/151-S/2002/223; A/ES-10/152-S/2002/232; A/ES-10/154-S/2002/242; A/ES-10/155-S/2002/248; A/ES-10/156-S/2002/245; A/ES-10/157-S/2002/253, A/ES-10/158-S/2002/258; A/ES-10/159-S/2002/281; A/ES-10/160-S/2002/307; A/ES-10/161-S/2002/319; A/ES-10/162-S/2002/330; A/ES-10/163-S/2002/340; A/ES-10/164-S/2002/353; A/ES-10/165-S/2002/361; A/ES-10/166-S/2002/370; A/ES/10/167-S/2002/433; A/ES-10/168-S/2002/474; and A/ES-10/169-S/2002/495), I regret to inform you that, since my last letter to you, at least 44 Palestinians have been killed by the Israeli occupying forces. This raises the total number of Palestinians killed by the occupying forces to 1,509 martyrs. The annex to the present letter contains the names of the martyrs that have thus far been identified, and the names of other Palestinians that have been killed will be conveyed once they are identified.

I would be grateful if you would arrange to have the text of the present letter and its annex distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

Annex to the identical letters dated 10 May 2002 from the Permanent Observer of Palestine addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by Israeli occupying forces in the Occupied Palestinian Territory, including Jerusalem* (Monday, 29 April, through Wednesday, 8 May 2002)

Monday, 29 April 2002

1. Raja'e Abu Shama
2. Amjed Katba (3 years old)
3. Munzir Katba
4. Hussein Odah
5. Akram Hamouri
6. Nidal Abayyat
7. Nader Shahine
8. Ashraf Shahine
9. Ibrahim Shahine
10. Saada Nijim
11. Mahmoud Qinnah
12. Khaled Habash

Tuesday, 30 April 2002

1. Mohammed Abu Ghara
2. Kamla Tirawi
3. Aziz Samara
4. Mohareb Abu Sahloul
5. Khader Hanaideq

Wednesday, 1 May 2002

1. Abdallah Abu Shallouf
2. Huda Abu Shallouf (2 years old)
3. Ahmed Abu Khitla
4. Bilal Al-Dirby
5. Hassan Abu Jazzar
6. Fadi Al-Ajlouni (7 years old)
7. Abed Ismail (11 years old)

Thursday, 2 May 2002

1. Sabha Ghanem
2. Mohammed Abu Abed
3. Nidal Ismail (12 years old)
4. Abdelqader Hajaj

* The total number of Palestinian martyrs killed by Israeli occupying forces since 28 September 2000 is 1,509.

Friday, 3 May 2002

1. Ali Hudairy
2. Ibrahim Hammad
3. Abdulkarim Arja

Saturday, 4 May 2002

1. Ramzi Eid
2. Khalaf Najajra

Sunday, 5 May 2002

1. Rahma Mire' (infant — 1 day old)
2. Fatma Abu Samra
3. Basel Abu Samra (4 years old)
4. Abeer Abu Samra (3 years old)
5. Tamer Abu Sairya (9 years old)

Monday, 6 May 2002

1. Suhail Zayyada
2. Hazim Wadiya
3. Mahrous Bahtaity
4. Mazen Abu Rizq

Tuesday, 7 May 2002

Jamal Shaer (17 years old)

Wednesday, 8 May 2002

Majdi Borhom (18 years old)

United Nations S/2002/537

Security Council

Distr.: General
13 May 2002

Original: English

Report of the Security Council mission to the Great Lakes region, 27 April-7 May 2002

I. Introduction

1. In his letter dated 17 April 2002 (S/2002/430), the President of the Security Council informed the Secretary-General that the members of the Council had decided to send a mission to the Great Lakes region of Africa. Following consultations among the members, it was agreed that the composition of the mission should be as follows:

France (Ambassador Jean-David Levitte, head of mission)

Bulgaria (Ambassador Stefan Tafrov)

Cameroon (Ambassador Martin Chungong Ayafor)

China (Minister Counsellor Chen Xu)

Colombia (Ambassador Alfonso Valdivieso)

Guinea (Ambassador François Fall)

Ireland (Ambassador Gerard Corr)

Mauritius (Ambassador Jagdish Koonjul)

Mexico (Ambassador Adolfo Aguilar Zinser)

Norway (Ambassador Wegger Christian Strømmen)

Russian Federation (Ambassador Andrey Granovsky)

Singapore (Counsellor Lip Cheng How)

Syrian Arab Republic (Ambassador Mikhail Wehbe)

United Kingdom of Great Britain and Northern Ireland (Ambassador Jeremy Greenstock)

United States of America (Ambassador Richard W. Williamson).

2. The terms of reference of the Security Council mission are annexed to document S/2002/430.

3. The Security Council mission left New York on 27 April and returned on 7 May. During that period, the mission visited Johannesburg, Pretoria, Harare, Kinshasa, Kisangani, Luanda, Kampala, Dar es Salaam, Bujumbura and Kigali. They met with the President of South Africa, Thabo Mbeki; the President of Zimbabwe, Robert Mugabe; the President of the Democratic Republic of the Congo, Joseph Kabila; the President of Angola, José Eduardo dos Santos; the President of Uganda, Yoweri Kaguta Museveni; the President of the United Republic of Tanzania, Benjamin Mkapa; the President of Burundi, Pierre Buyoya; and the President of Rwanda, Paul Kagame. The mission also met in Pretoria with the Deputy President of South Africa, Jacob Zuma; the Minister for Foreign Affairs of Gabon, Jean Ping; the President of the Rassemblement congolais pour la démocratie (RCD-Goma), Adolphe Onusumba, and its Secretary-General, Azarias Ruberwa; and, in the presence of the facilitation, with Burundian rebel groups. In Luanda, the mission met with the Chairman of the Political Committee, the Minister for Foreign Affairs of Angola, Jõao Bernardo de Miranda, and held a joint meeting with the Political Committee; and in Kampala, met with the leader of the Mouvement de libération du Congo (MLC), Jean-Pierre Bemba. In Pretoria, the mission met with the Chairman and two members of the Panel of Experts on the Illegal Exploitation of

02-37954 (E) 130502

Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo. In Bujumbura and Kigali, the mission met with senior ministers of the Governments of Burundi and Rwanda, and with the Implementation Monitoring Committee. The mission also met with representatives of civil society in Kinshasa and Kisangani, including participants from human rights and religious groups. The Security Council mission was accompanied from Kinshasa onwards by the Special Representative of the Secretary-General for the Democratic Republic of the Congo, Amos Namanga Ngongi, and the Force Commander of MONUC, General Mountaga Diallo.

II. Democratic Republic of the Congo

Positions adopted by the Security Council mission

4. This was the third mission of the Security Council to the Great Lakes region. The first, in May 2000, was conducted at a time when fighting was continuing in the Democratic Republic of the Congo, and there had been serious clashes between Rwandan and Ugandan troops in Kisangani. The objective of the mission at that time was to achieve a ceasefire among the parties. The second Security Council mission, in May 2001, coincided with the onset of phase II of the deployment of MONUC, the disengagement of forces along the confrontation line. This third Security Council mission was carried out immediately after the inter-Congolese dialogue in Sun City, and as MONUC was preparing itself to enter the next stage of its phase III deployment in the eastern Democratic Republic of the Congo.

5. With each of its interlocutors, the head of the mission introduced the members of the mission and set out its objectives, in accordance with the terms of reference. Individual members then made comments or put questions.

6. The mission also made the point that considerable thought had been given to postponing the dispatch of the mission at a time when the situation in many areas of the world greatly preoccupied the Security Council. The Council had however decided to demonstrate its commitment to the peace processes in the Great Lakes region by dispatching the mission as scheduled.

7. During the course of the visit, the Security Council mission developed its view of the conflict in the Democratic Republic of the Congo and communicated it to its various interlocutors. According to this approach, there were three main aspects to the conflict, all mutually interlinked, which had to be taken forward in parallel, namely, the outcome of the inter-Congolese dialogue, the withdrawal of foreign forces from the territory of the Democratic Republic of the Congo, and the disarmament, demobilization and repatriation of the armed groups listed in the Lusaka Ceasefire Agreement. While the Security Council had no direct substantive responsibility for the conduct of the inter-Congolese dialogue, a task that had been entrusted to the neutral facilitator, Sir Ketumile Masire, the Council was indeed concerned with the outcome of the dialogue and its relationship with the other two aspects.

8. The mission stressed the importance of what had been achieved in Sun City, primarily the unanimous adoption of 37 resolutions, which would serve as the basis for the transitional authority. Since no comprehensive agreement was reached, however, the Security Council mission also underlined the need for further talks among the Congolese parties in order to develop a fully inclusive agreement on the transition.

9. The mission also put forward an idea to facilitate the withdrawal of foreign forces that was developed during the course of the visit on the basis of the favourable response received from the mission's interlocutors. The idea was for the creation of a "curtain" of troops along the eastern borders of the Democratic Republic of the Congo, subject to the invitation of the Government of the Democratic Republic of the Congo. This might involve the parties concerned, namely, the Democratic Republic of the Congo on the one hand and Rwanda, Uganda and Burundi on the other hand, to work out mechanisms for military cooperation along their common borders so as to have the military presence of the countries concerned in a limited portion of the territory of the Democratic Republic of the Congo, for a limited period, in order to ensure a better monitoring of the borders, as a stage in the implementation of the Lusaka Agreement. Other African Governments might be invited to contribute troops to this mechanism, and MONUC could also be requested to offer advice and a monitoring presence. This might involve, at their request, the parties concerned.

10. The Security Council mission reiterated the strong position of the Security Council that the city of

Kisangani sh uld be demilitarized immediately and without conditions. The mission called on RCD to withdraw its forces, and called on all those with influence over RCD to ensure that the Security Council's resolutions were put into effect without further delay.

11. Members of the Security Council mission expressed to their various interlocutors their deep concern over the serious violations of human rights and the appalling humanitarian situation of much of the population in the Democratic Republic of the Congo as a result of the conflict. The mission was also aware of the great importance of reviving the economy of the Great Lakes region, not least by promoting the development of the natural resources of the Democratic Republic of the Congo in the interests of its people, and the reopening of the River Congo to commercial traffic, as agreed by the three Congolese parties when they signed an agreement on the modalities of resuming commercial river traffic.

12. The Security Council mission proposed that new impetus be given to the consideration of an international conference on peace, security and development in the Great Lakes region that could be convened at an appropriate time.

13. The Security Council mission made clear its position that the Council would severely condemn any party that violated the ceasefire in the Democratic Republic of the Congo.

Summary of the achievements and conclusions of the Security Council mission

14. The Security Council mission found that the parties to the Lusaka Agreement, with the help of MONUC, continue to make progress, albeit slowly, in the application of the peace process, which requires patient and attentive follow-up. In its meetings with the parties, the mission was able to propose various actions to be taken in order to advance the process further.

15. The Council mission met Sir Ketumile Masire, the neutral facilitator of the inter-Congolese dialogue, and commended him for his efforts at Sun City and the results obtained there. At the same time, the Security Council mission was gratified to note that all its interlocutors agreed that negotiations should continue among the Congolese parties with a view to reaching a more comprehensive and inclusive agreement. This would facilitate the reunification of the country and the preservation of the principle of its sovereignty and territorial integrity. A transitional authority could pave the way for the organization and conduct of free and fair democratic elections. The Security Council mission noted with satisfaction that, at its suggestion, representatives of the Government of the Democratic Republic of the Congo, MLC and RCD-Goma met on the margins of the Political Committee meeting in Luanda on 2 May to initiate the further discussions required in order to bring about this objective.

16. The Security Council mission notes that some progress has been made in the withdrawal of foreign forces from the territory of the Democratic Republic of the Congo. It must also be noted, however, that, of all the original belligerents, only Namibia has withdrawn all its combat troops from the territory. The withdrawals of contingents by Angola, Uganda and Zimbabwe are partial, and need to be finally verified. Reported withdrawals by Rwanda have been verified neither by MONUC nor by the Joint Military Commission.

17. The mission welcomes the broadly positive response among the Lusaka signatory parties to the idea it proposed of the establishment of a "curtain" of forces along the borders of the Democratic Republic of the Congo with Uganda, Rwanda and Burundi. These forces, from the three neighbouring countries concerned, might be deployed, with the agreement of the Government of the Democratic Republic of the Congo, as a stage in their continuing withdrawal from that country's territory, as an interim border security measure, in coordination with the deployment of Congolese troops, and accompanied by MONUC military observers. The joint force would be deployed for a specified period of time, in a limited and defined area. Other African Governments might also be invited to contribute troops.

18. The Security Council mission commends MONUC for the progress achieved so far in the disarmament, demobilization and repatriation of the Rwandan combatants at Kamina. The destruction by fire of more than 1,000 weapons surrendered by those combatants was the culmination of several months of effort to gain the confidence of those combatants. The Security Council mission would like to express its appreciation to President Kabila and his Government for the cooperation they extended to MONUC in the execution of this exercise. The mission further takes note of the agreement in principle by the Government

of Rwanda to accept a delegation representing the Kamina combatants, and trusts that this important confidence-building measure can be accomplished at an early date. The Security Council mission further notes the expression by President Kagame of Rwanda's willingness and readiness to repatriate and reintegrate Rwandan fighters from the Democratic Republic of the Congo.

19. During its meeting with representatives of civil society in Kisangani, as well as in the unscheduled informal encounters with local residents that followed, the Security Council mission was struck by the strong desire of the local population for peace and a unified Democratic Republic of the Congo, and a prompt and complete demilitarization of Kisangani, in accordance with the agreement reached by President Kagame and President Museveni in May 2000, and with Security Council resolutions. The mission was also impressed by the strong desire of the civil society representatives to see the achievement of a comprehensive agreement on a transitional authority in which civil society representatives would participate. The Security Council mission takes note of the solemn reiteration by the RCD leadership before the Ministers of the Political Committee and the Ambassadors of the Security Council of their "irrevocable" commitment to demilitarizing Kisangani, and calls on them to proceed to take the necessary steps without further delay. The mission also welcomes the plans being prepared by MONUC to train the Kisangani police force.

20. In its meetings with representatives of civil society in Kinshasa and Kisangani, the Security Council mission was struck again by the plight of millions of Congolese citizens living in harrowing conditions, without adequate food, fresh water or medical care, as well as the millions of persons displaced from their homes by insecurity and instability. Evidence presented by representatives of women's groups indicated how deeply the welfare and security of women and girls have been affected by the conflict. The establishment of a broad-based transitional authority governing the whole country will permit humanitarian aid organizations to gain access to populations in need in order to mitigate some of the worst effects of the conflict. The Security Council mission hopes that the progressive deployment of MONUC human rights and other civilian personnel, including civilian police, into the eastern Democratic Republic of the Congo will permit greater scrutiny of the situation there and encourage stricter compliance with and respect for human rights and fundamental freedoms. This process will be immeasurably advanced if it is conducted pursuant to an inclusive agreement on the establishment of an interim authority governing the territory of the Democratic Republic of the Congo in its entirety, and in the context of the rebuilding of united Congolese administration structures and the orderly withdrawal of foreign forces. The mission heard from President Kagame that Rwanda would wish to work closely with such a united administration on the demobilization of the armed groups, and that Rwanda's presence in the Democratic Republic of the Congo was related only to its legitimate security concerns.

21. The Security Council mission is encouraged by the signing by the Government of the Democratic Republic of the Congo, MLC and RCD of an agreement to reopen the River Congo to commercial traffic. The mission's visit to Kisangani, and the arrival at that time of a barge convoy accompanied by the MONUC riverine unit, underlined the importance of the river to the economic and social life of the country. The Security Council is committed to the early reopening of the River Congo to commercial traffic as an essential means of improving the economic and social life of millions of Congolese citizens; ending the isolation of the city of Kisangani; generating a climate of confidence and security in the eastern part of the Democratic Republic of the Congo; and normalizing the situation throughout the country.

22. The mission underlined to its interlocutors the importance that the Security Council attached to the question of the illegal exploitation of the natural resources of the Democratic Republic of the Congo, a question on which the representatives of the Government and representatives of Congolese civil society in Kinshasa and Kisangani had expressed their deep concern. The mission made it clear that the Council would follow up on the next report of the Panel of Experts to the Security Council.

Recommendations

23. The Security Council mission commends the Congolese parties for the willingness they expressed, both individually and at the meeting of the Political Committee in Luanda on 2 May, to continue their discussions with a view to establishing a transitional administration at an early date. The mission trusts that,

in accordance with the views expressed by its interlocutors, the Government of the Democratic Republic of the Congo, MLC and RCD-Goma will pursue their talks with a view to reaching a comprehensive and inclusive agreement in accordance with the Lusaka Ceasefire Agreement. Such an agreement might then be endorsed by the parties to the inter-Congolese dialogue, in the presence of the neutral facilitator, Sir Ketumile Masire. In this context, the mission recommends that the Security Council, within the next few days, should consider taking further initiatives on this matter in coordination with the signatories of the Lusaka Agreement and the leaders of the region.

24. The Security Council mission recommends that the Council may wish, following the establishment of a fully inclusive Congolese transitional authority, to consider, on the basis of recommendations to be submitted by the Secretary-General at an appropriate time, and taking into account the needs of the Congolese transitional authority, adding to the future mandate of MONUC elements concerning the organization and conduct of free and fair elections.

25. The Security Council mission recommends that the Security Council should renew its call for the orderly withdrawal of all foreign forces from the Democratic Republic of the Congo, in accordance with the Lusaka Agreement and the relevant Security Council resolutions. The mission further recommends that the Secretary-General, if requested by the parties, could instruct MONUC to facilitate the development and implementation of the "curtain" proposal as an interim measure aimed at ensuring border security in the final stages of withdrawal.

26. The progress made in resolving the situation of the combatants at Kamina represents a start for the disarmament, demobilization, repatriation, resettlement and reintegration (DDRRR) operation. The Security Council may wish to call for an early conclusion of the situation there, including the repatriation, resettlement and reinsertion into social and economic life of the 1,981 combatants and the members of their families, within the context of agreement between the Governments of the Democratic Republic of the Congo and Rwanda, with MONUC assistance.

27. The Security Council mission is however aware that DDRRR in the east will pose serious problems of security. Further progress in creating the necessary climate of confidence and security, which is essential to the success of the voluntary approach to DDRRR taken by MONUC, will require the deployment of a robust force at Kindu within the existing mandate of MONUC. The Security Council mission is aware of the need for a capable troop-contributing country to provide such a force, within the current authorized ceiling of 5,537 troops, and recommends that efforts be redoubled to identify such a country at the earliest possible time.

28. The Security Council mission recommends to the Security Council that it devote particular attention to the implementation of the MONUC mandate in the fields of human rights and humanitarian assistance to populations in need in the Democratic Republic of the Congo, taking fully into account the needs of women and girls. The progressive deployment of MONUC human rights and humanitarian personnel in the eastern part of the country, particularly if this is achieved alongside the establishment of State authority throughout the country following agreement on a fully inclusive transitional authority, should be expected to lead to improvements in this area.

29. The Security Council should consider supporting the efforts of MONUC to train the Kisangani police force and taking prompt action on the request of the Secretary-General, in his tenth report to the Security Council (S/2002/169), for 85 additional police officers for this purpose.

30. The Security Council mission takes the strong view that further progress in the peace process should take the form of economic dividends for the population. The delay in achieving this risks the credibility of the process and of the international community. Accordingly, all efforts should be made to ensure that humanitarian aid, as well as longer-term economic and development assistance, is provided to the Democratic Republic of the Congo as soon as possible in support of the peace process. Only thus can a sound basis be created for a more durable peace.

31. The Security Council mission was encouraged by the generally positive reception accorded to the proposal to convene, at an appropriate time, an international conference on security, development and peace in the Great Lakes region. The Security Council may wish to give further consideration to this idea, in conjunction with the Organization of African Unity and regional leaders.

32. Once the inter-Congolese dialogue develops positively and United Nations forces are deployed in Kindu, the peace process is poised to enter a new and more complex dynamic. The various aspects of this complex process, for which the parties bear ultimate responsibility, will need to be carefully coordinated. It would be very useful if the regional leaders, in coordination with the United Nations, could ensure the establishment of a follow-up mechanism. Such a mechanism might be entrusted with the following tasks:

- Coordinating the various aspects of the process, and ensuring the coherence of action taken by the international community.
- Accompanying the transition in the Democratic Republic of the Congo by pursuing the application of the results of the inter-Congolese dialogue throughout the territory of the country while promoting a harmonious cohabitation in Kinshasa; continuing political and economic development in the country and the preparation of free and fair elections.
- Facilitating the dialogue among regional heads of State concerning the development of phase III of MONUC deployment, DDRRR, establishment of a "curtain" for border security, and withdrawal of foreign forces.
- Preparing, subject to the continuing favourable development of the situation, an international conference on peace, security and development in the Great Lakes region.

III. Burundi

Summary of achievements and conclusions

33. Since the Security Council mission visited Burundi in May 2001, there have been a number of improvements in the country. Owing to the achievements of the facilitator, former President Mandela, and the efforts of the Burundians themselves, a transitional Government was installed on the basis of the Arusha Agreement on 1 November 2001. The States of the region, particularly the United Republic of Tanzania and the Democratic Republic of the Congo, have lent their full support to the implementation of the transition. Thanks to the facilitation of the Deputy President of South Africa, Jacob Zuma and the President of Gabon, Omar Bongo, a framework for dialogue has been created to facilitate contacts between the transitional Government and the non-signatory armed groups.

34. However, none of this progress is irreversible, and further efforts will be necessary to ensure the success of the peace process in Burundi to achieve the cessation of hostilities and a ceasefire, an improvement of the economic situation, and continued cooperation among Burundian parties.

35. The continuation of fighting is the most serious risk that faces the implementation of the Burundi peace process. The Security Council mission demanded that the rebel groups cease hostilities immediately and enter into negotiations with the support of the facilitation within the framework of the Arusha Agreement.

36. Of all the mission's interlocutors (the Burundian authorities and regional heads of State), the armed groups alone did not share the view that a sense of urgency was required in achieving a cessation of hostilities. It is the view of the Security Council mission that, without an urgent cessation of hostilities, followed by a ceasefire agreement, the peace process could be jeopardized. It is also the view of most of the heads of State of the region, some of whom expressed doubts concerning the willingness of the armed groups to enter into negotiations. Some considered the time might have come to contemplate more robust measures. If that were the case, the possibility of regional sanctions has been raised.

37. The success of the peace process in Burundi will be primarily the success of the Burundians themselves. Maintaining confidence and cooperation among the signatories of the Arusha Agreement is critical in this regard. The Security Council mission understood the determination of its interlocutors in Burundi to put the conflict behind them, and by their determination to accomplish those ends.

38. All the mission's interlocutors, both Burundian and non-Burundian, stressed the risk that the tremendous economic and financial difficulties currently facing the country might undermine the peace process.

39. The humanitarian situation in Burundi is disastrous. The mission expressed its support to the tripartite commission (Burundi, United Republic of

Tanzania, UNHCR) for the efforts it is making to assist the voluntary return of refugees as appropriate.

Recommendations

40. The Security Council mission recommends that, in the coming weeks, and before the next meeting of the regional peace initiative, dialogue with all regional players be intensified. The Council may also wish to encourage the States of the region to pursue their efforts to persuade the armed groups to agree to a cessation of hostilities and ceasefire agreement, and to extend full assistance to the facilitation in this regard.

41. The mission stresses the need for the implementation of reforms called for in the Arusha Agreement by the transitional Government and its institutions, with or without a ceasefire, to the full extent the military situation allows.

42. The international community has a role to play in assisting the Burundian parties to work together for the success of this process, and in monitoring the implementation of the Arusha reforms. The United Nations, in particular, has assumed such a role. In the view of the Security Council mission it is vital that that role be performed, especially through the presidency of the Implementation Monitoring Committee, with all the close attention to issues that the situation requires.

43. The support of the international community will be critical. It will in particular be essential for donors to fulfil the commitments they made at the Paris conference of December 2000 and the Geneva conference of December 2001. The mission will follow up with the international financial institutions on this point. There is a risk that the peace process, and all the gains made with it so far, might collapse if further assistance, including direct aid, is not forthcoming in the near future.

* * *

44. The Security Council mission wishes to express its deep appreciation to the heads of State of the Great Lakes region and to Sir Ketumile Masire, who met with the mission to share their views. The mission is also very grateful to the Special Representative of the Secretary-General, Mr. Namanga Ngongi, and to the Acting Representative of the Secretary-General in Burundi, Amadou Keita, for the sound advice and impeccable arrangements they caused to be made for the mission's visits to the Democratic Republic of the Congo and Burundi. The mission thanks the United Nations Development Programme and other United Nations agencies for the faultless logistical arrangements made on its behalf in Johannesburg, Harare, Kinshasa, Luanda, Kampala, Dar es Salaam, Bujumbura and Kigali, and Cairo, and thanks the Secretariat staff who accompanied it for their unfailing support.

United Nations S/2002/537/Add.1

Security Council

Distr.: General
14 May 2002
English
Original: English and French

Report of the Security Council mission to the Great Lakes region, 27 April-7 May 2002

Addendum

The present addendum contains the annexes to the report of the Security Council mission to the Great Lakes region.

Annex I contains a non-paper entitled "International conference on peace, security, democracy and development in the Great Lakes region", submitted by the Security Council to its interlocutors during its mission to the Great Lakes region.

Annex II contains a communiqué issued at the conclusion of the joint meeting of the Political Committee on the Implementation of the Lusaka Ceasefire Agreement in the Democratic Republic of the Congo and the Security Council mission to the Great Lakes region, held in Luanda on 2 May 2002.

02-38145 (E) 140502

Annex I April 2002

INTERNATIONAL CONFERENCE ON PEACE, SECURITY, DEMOCRACY AND DEVELOPMENT IN THE GREAT LAKES REGION

This document is intended to contribute to discussions previously initiated by the Secretariat of the United Nations.

1. OBJECTIVES

The International Conference on Peace, Security, Democracy and Development in the Great Lakes Region is aimed at laying the foundations for just and lasting peace and stability in the Great Lakes Region by dealing in global and long-term fashion with the factors able to help in achieving these objectives.

The agreement of all the countries concerned should be obtained with regard to a set of principles and procedures capable of ensuring this peace and stability. It would be the international community's task to support the process, as well to monitor and facilitate over the long term the implementation of the agreement.

The conference should take into account existing relevant international agreements and Security Council resolutions.

It would be up to the parties to decide when the Conference should start, keeping in mind that the process could begin as soon as the withdrawal of each of the foreign contingents currently deployed on the territory of the DRC has started being implemented.

Participating States should commit to work together to take forward the conclusions of such a conference.

2. ORGANIZATION

As the Conferences' organization is a matter for the African countries alone to decide, it could be assumed by the Organization of African Unity with UN backing. The OAU could of course delegate all or part of the responsibility to an African sub-regional organization or one of the continent's States, providing all the countries taking part in the Conference approve.

2.A Agenda

The Conference could examine three sets of issues:

** 2.A 1 Issues relating to peace and security :*

- respect for and control over borders
- security and defence policy (implementation of demobilization programmes, arms reduction, integration and disarming of armed militias)
- Confidence-building and conflict prevention measures
- control over arms movements in the Region

** 2. A.2 Issues relating to democracy*

- Promotion of democratic institutions and the rule of law
- Promotion of and respect for human rights and basic freedoms, including freedom of the media

- Protection of minorities and refugees (return of refugees to their country of origin and their reintegration there; promulgation of equitable laws and regulations on questions of nationality)
- Promotion of reconciliation and prevention of action, incitement or promotion of intolerance, discrimination or any form of violence, including genocide or ethnic cleansing based on national or ethnic identity.

2.A.3 Issues relating to reconstruction and development

- promotion of transparent and accountable macroeconomic policies that are sound in terms of sustainable economic and social development
- promotion of trade and investment, trans-border co-operation and regional integration on the basis of transparent laws and regulations
- reconstruction and modernization of accountable public administration, justice and security forces
- reconstruction and development of social services (health, education, housing)
- promotion of poverty reduction policies aimed at achieving development objectives at international level
- promotion of policies on environmental protection and sustainable development.

2.B Participants

It would seem natural for the OAU to invite the countries in the Region directly concerned by the present conflict (Angola, Burundi, Democratic Republic of the Congo, Namibia, Rwanda, Uganda, Zimbabwe), along with those that have been involved in it, e.g. via mediation attempts, the presence of refugees stemming from conflicts in the region, or active or passive intervention in the field.

The UN, the SADC, the International Financial Institutions, the European Union and interested countries, including donors, could also participate under status that could vary depending on the issues tackled and the assistance they could provide to support the implementation of the outcome of the Conference.

2.C Proceedings and hoped-for outcome

The Conference project could, for instance, be drawn up by an ad hoc group associating the UN and the interested countries within the framework of the OAU. It could then be finalized by the OAU. The ad hoc group can begin work without waiting for full implementation of the Lusaka Agreement. The ad hoc group project could also define the procedures for financing the Conference. The European Union, in particular, could be associated with the drafting of this text, since it will be asked to contribute to the financing of the Conference.

The Conference will be launched by the OAU with the backing of the UN.

The Conference program could be as follows:

- formal opening under the joint chairmanship of the OAU and UN Secretaries-General
- adoption of the Conference's Organization Charter laying down its rules of procedure
- adoption, as a framework for the Conference, of a Declaration of Principles whereby member countries give an undertaking to respect and ensure respect for the following fundamental principles :

  - respect for the territorial integrity and national sovereignty of each State, non-interference in the internal affairs of others States, peaceful settlement of disputes ;

human rights and basic freedoms;

- democracy and rule of law
- accession to and implementation of the treaties and pacts necessary for restoring peace and stability in the Region, especially those concerning human rights, the protection of minorities, security, disarmament and control over the movement of arms;
- implementation of and respect for the decisions taken by the Conference.

- formation of working groups on each of the three subjects on the agenda

- adoption, within the framework of the Conference, of the following texts ;
  - a Stability Pact for the African Great Lakes Region setting out the commitments needed for strengthening security, democracy and development in the region;
  - a set of bilateral agreements fixing, between each of the countries concerned, the ways and means of implementing the Pact.

- monitoring by the Conference (permanent, or for a period to be determined) of the implementation of the Pact and bilateral agreements:
  - periodical meetings of the Conference
  - permanence of the Secretariat, which would become a forum for information and conciliation.

3- ROLE OF THE INTERNATIONAL COMMUNITY

The international community, associated with the Conference, will necessarily have to commit itself a partnership framework :

3.A. At the political, diplomatic and organizational level

- management of the peace process conducted in compliance with the Lusaka Agreement (OUA, UN)
- designation by the UN of a special envoy to the Conference;
- technical and financial support for the Conference (OAU, UN, EU, etc.)
- monitoring implementation of the Conference decisions (OAU, UN, EU, etc.)
- political, diplomatic and financial support for implementation of the Stability Pact, especially its security provisions (OAU, UN, EU, etc.)

3.B At the economic and financial level

- meeting of donors, after the first phase of the Conference, to draw up a plan for reconstruction and for the reduction of poverty aimed at achieving development objectives at international level, and to determine the financial resources required (UN, IMF, WB, donor countries);
- monitoring, by a "group of friends of the Great Lakes Region countries" attached to the International Financial Institutions, of the implementation of the decisions taken by the donors and of the agreements concluded within the Conference framework.

Annex II

Joint meeting of the Political Committee on the Implementation of the Lusaka Ceasefire Agreement in the Democratic Republic of the Congo and the Security Council mission, held in Luanda on 2 May 2002

Communiqué

1. Under the chairmanship of His Excellency João Bernardo de Miranda, Chairman of the Political Committee and Minister of External Relations of the Republic of Angola, and His Excellency Jean-David Levitte, Chairman of the Security Council mission in the Great Lakes Region, a joint meeting was held on 2nd May 2002 in Luanda.

2. The meeting was attended, on behalf of the Political Committee, by Angola, DRC, Namibia, Rwanda, Uganda, Zimbabwe, the Movement for the Liberation of Congo (MLC), the Congolese Rally for Democracy (RCD), and the Congolese Rally for Democracy-Liberation Movement (RCD-ML). The meeting was also attended by Zambia, Burundi, the Facilitator of the Inter-Congolese Dialogue and OAU. The Security Council mission was composed of Ambassadors representing all members of the Security Council who were accompanied by the Special Representative of the Secretary General of the United Nations in the Democratic Republic of Congo, as well as the MONUC Force Commander

3. The meeting assessed the implementation of Resolution 1399/02 of the United Nations Security Council and the decisions of the Extraordinary meeting of the Political Committee held from 20-21 March in Lusaka, with a view to finding ways and means to accelerate implementation of the Lusaka Cease-fire Agreement.

4. The Political Committee and the UN Security Council Mission have analyzed and discussed the working plan and decided the following:

On the Cease-fire

5. The Political Committee and the Security Council Mission emphasized the need for a total respect of the Lusaka Cease-fire Agreement by all Parties signatory to the Agreement.

On implementation of Resolution 1399/02 of the United Nations Security Council and the decisions of the extraordinary meeting of the Political Committee held from 20 to 21 March in Lusaka.

6. The Political Committee in presence of the Security Council mission:

a) Noted with concern that the implementation of the UN Security Council Resolution 1399/2002 was not satisfactory;

b) Demanded that Parties conform to the terms of Resolution 1399/02 as well as with the practical measures and decisions adopted in the last session of the Political Committee held in Lusaka from 20 to 21 March 2002 in Lusaka.

c) Recommended that MONUC verify the implementation of these measures and resolutions of the Security Council and submit the report to the next session of this body;

d) Recommended that the Joint Military Commission propose sanctions that could be adopted and applied by the Security Council against Parties that do not comply with Resolutions of the Security Council and present a report on this issue at the next session of the Political Committee.

7. The Security Council mission welcomed the commitment of the Political Committee to have the Resolution 1399/2002 fully implemented and took note of the recommendations made by the Political Committee.

8. The Political Committee and the Security Council Mission took note of the RCD confirmation of its commitment to demilitarize Kisangani. They also noted the role that MONUC could play to accompany the process, by facilitating the training of the Police in Kisangani.

On withdrawal of Foreign Forces from the DRC

9. The Political Committee in the presence of the Security Council Mission:

a) Reaffirmed the principle of and the need for the unconditional and orderly withdrawal of foreign forces, under the Lusaka Cease-fire Agreement and the relevant resolutions of the Security Council;

b) Called on the Security Council to consider imposing sanctions on parties that do not fulfill their obligations;

c) Requests the UN to transform the mandate of MONUC into that of a Peace-keeping mission and provide the latter with human resources and adequate equipment in order to guarantee its effectiveness.

10. The Security Council Mission expressed support for the efforts of the Political Committee with a view to preparing the unconditional and orderly withdrawal of foreign forces in compliance with the Lusaka agreement and the relevant resolutions of the Security Council and took note of the recommendations proposed by the Political Committee.

11. The Political Committee and the UN Security Council Mission encouraged the parties concerned, namely: DRC on the one hand and Rwanda, Uganda and Burundi on the other, to work out mechanisms for military cooperation along their borders so as to permit a military presence of the countries concerned in a limited portion of DRC territory, for a limited period of time, in order to ensure better monitoring of the borders. The Political Committee considers that MONUC and JMC could be entrusted with providing support to these mechanisms. The Political Committee and the Security Council Mission commended the countries concerned for supporting this proposal. They also noted that these mechanisms would facilitate the implementation of the withdrawal of all foreign forces from the DRC.

On the implementation of the DDRR process

12. The Political Committee and the UN Security Council Mission called for the timely implementation of DDRRR and expressed support to MONUC to this end. They called upon all the parties to the Lusaka agreement to fully cooperate with MONUC for this purpose.

13. In the presence of the Security Council Mission, the Political Committee welcomed the initiative taken with the collection and symbolic destruction of the weapons recovered from the armed groups, which took place in Kamina and Kinshasa respectively. All the participants welcomed the visit to Kigali of 18 former combatants from Kamina, as an advance party.

14. The Political Committee and the UN Security Council Mission called upon all parties to promote the spirit of peace in the DRC.

15. The Political Committee and the UN Security Council Mission reminded all the Parties to the Lusaka Agreement of the need to scrupulously respect Resolution 1355 of June 15, 2001.

On the Inter-Congolese Dialogue

16. The Political Committee and the UN Security Council Mission took note of the Facilitator's report. They welcomed and paid tribute to him for his efforts to bring all the Congolese together on the road to national reconciliation. They welcomed the 37 resolutions unanimously adopted by the participants.

17. The Political Committee and the UN Security Council Mission heard the Facilitator's report on the Political Agreement signed at Sun City between the Government of the DRC and the MLC, to which a majority of ICD participants adhered without the assistance of the Facilitator. They welcomed the meeting between the Congolese Parties signatory to the Lusaka Agreement held at Luanda on May 2, 2002. They expressed the wish to see such meetings continue and an inclusive agreement among all the Congolese parties, armed and non-armed, be quickly reached in a spirit of openness.

Any Other Business

18. The Political Committee informed the UN Security Council Mission of its approval of the extension of Brigadier General MWANIKI's contract as Chairman of the Joint Military Commission until August 2002.

19. The Political Committee and the UN Security Council Mission expressed their gratitude to the Government and People of the Republic of Angola for the warm reception and hospitality accorded to the members of the Committee and to those of the UN Security Council Mission during their stay in Luanda as well as for the excellent facilities put at their disposal.

United Nations A/56/943–S/2002/538

General Assembly
Security Council

Distr.: General
14 May 2002
English
Original: Arabic

General Assembly
Fifty-sixth session
Agenda items 42 and 166

Security Council
Fifty-seventh year

The situation in the Middle East

Measures to eliminate international terrorism

Letter dated 13 May 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a table showing violations of Lebanese airspace and territorial waters committed by Israeli warplanes between 0700 hours on 12 May and 0325 hours on 13 May 2002.

As shown in the table, Israeli incursions deep inside Lebanese airspace extended to Beirut, many Lebanese towns and villages and Lebanese territorial waters. A violation by three Israeli gunboats just off the Lebanese coast was also reported.

These ongoing and persistent Israeli violations of Lebanese sovereignty and airspace confirm that Israel is still pursuing a provocative and bellicose policy towards Lebanon and thus threatening the safety and security of its citizens and spread alarm among the population. They are also in flagrant violation of Security Council resolution 425 (1978) and of Lebanon's sovereignty, and they may pose a threat to security and stability in the region.

Lebanon therefore requests you to endeavour to take the necessary measures to halt these provocative and unlawful Israeli violations and to ensure that they do not recur, given that they betray Israel's hostile intentions towards Lebanon.

I should be grateful if you would have this letter circulated as a document of the General Assembly, under agenda items 42 and 166, and of the Security Council.

(*Signed*) Houssam Asaad **Diab**
Chargé d'affaires a.i.

02-38133 (E) 150502 150502

Annex to the letter dated 13 May 2002 from the Chargé d'affaires a.i. of the Permanent Mission of Lebanon to the United Nations addressed to the Secretary-General

Violations of 12 May 2002

0700	Two helicopters overflew the Shab'a farmlands.
1020	Two warplanes entered Lebanese airspace from the sea 5 nautical miles off Beirut and circled between Beirut, Sidon, Rashayya and Dahr al-Baydar.
1102	Two warplanes overflew the Shab'a area heading north
1142	Two warplanes heading south entered Lebanese airspace over the sea 11 nautical miles off Beirut.
1230	Warplanes overflew the South as far as Mount Lebanon and the Western Bekaa, dropping two unidentified objects into the sea between Khaldah and Na'imah.
1415	Twelve warplanes entered Lebanese airspace; four from Kafr Killa heading north; four from the sea off Sidon heading north; two from the sea five nautical miles off Jubayl heading east; and two from the sea off Beirut heading east. They circled over the Batrun, Cedars and Shikka area and over the sea.
1742	A reconnaissance aircraft heading north entered Lebanese airspace over the sea 11 nautical miles west of Tyre. It circled between Beirut and Sidon two nautical miles offshore.
1930	A reconnaissance aircraft overflew the Jazzin area.
1948	A reconnaissance aircraft heading north entered Lebanese airspace west of Sidon 10 nautical miles offshore. It circled between Beirut and Sidon two nautical miles offshore.
2110	Three helicopters entered Lebanese airspace 10 nautical miles off Rumaylah, Sidon and the Zahrani.
2130	Three Israeli gunboats were seen off Abu al-Aswad.
2130	Two helicopters entered Lebanese airspace over the sea west of Beirut.
2135	Eight warplanes heading east entered Lebanese airspace over the sea off Tyre.

Violations of 13 May 2002

0325	Nine Israeli aircraft, six warplanes and three slow-moving targets, entered Lebanese airspace. The warplanes, heading north, entered west of Tyre five nautical miles offshore, and the slow-moving targets, heading towards the shore, entered west of Na'imah.

United Nations S/2002/539

Security Council

Distr.: General
16 May 2002

Original: English

Draft resolution

The Security Council,

Reaffirming its previous resolutions on the situation in East Timor, in particular resolutions 1272 (1999) of 25 October 1999, 1338 (2001) of 31 January 2001 and 1392 (2002) of 31 January 2002, and the relevant statements of its President, in particular that of 31 October 2001 (S/PRST/2001/32),

Commending the courage and vision of the people of East Timor in bringing East Timor to the point of independence by peaceful and democratic means,

Paying tribute to the dedication and professionalism of the United Nations Transitional Administration in East Timor (UNTAET) and to the leadership of the Special Representative of the Secretary-General in assisting the people of East Timor in the transition towards independence,

Reiterating its welcome for the successful and peaceful election for the Constituent Assembly held on 30 August 2001 and the election for the President held on 14 April 2002,

Welcoming the commitment by the elected leaders of East Timor to lead their country in solidarity, welcoming also the steps they have taken so far to establish good relations with neighbouring States, and recognizing the primary responsibility of the people of East Timor for nation building,

Noting that the emerging institutions in East Timor remain fragile and that in the period immediately after independence assistance will be required to ensure sustained momentum in the development and strengthening of East Timor's infrastructure, public administration, law enforcement and defence capacities,

Noting with concern the assessment of the Secretary-General of the difficulties which have had a negative impact on the effectiveness of the judicial system in East Timor, and calling on all relevant parties to work towards progress in this area,

Having considered the report of the Secretary-General of 17 April 2002 (S/2002/432),

Welcoming his recommendation that a successor mission to UNTAET be established for a period of two years,

Taking note also of the joint letter from the President-elect of East Timor and the Chief Minister of East Timor to the President of the Security Council of 20 April 2002,

02-38696 (E) 170502

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel adopted on 9 December 1994,

Welcoming the Secretary-General's intention to appoint the Resident Coordinator of the United Nations Development Programme as his deputy Special Representative and underlining the importance of a smooth transition of the United Nations role towards traditional development assistance,

Welcoming and encouraging efforts by the United Nations to sensitize international personnel in the prevention and control of HIV/AIDS and other communicable diseases in all its peacekeeping operations,

Recognizing the importance of a gender perspective in peacekeeping operations,

Noting the existence of challenges to the short and long-term security and stability of an independent East Timor and determining that ensuring the security of the boundaries of East Timor and preserving its internal and external stability is necessary for the maintenance of peace and security in the region,

1. *Decides* to establish, as of 20 May 2002 and for an initial period of 12 months, a United Nations Mission of Support in East Timor (UNMISET);

2. *Decides also* that the mandate of UNMISET shall consist of the following elements:

(a) To provide assistance to core administrative structures critical to the viability and political stability of East Timor;

(b) To provide interim law enforcement and public security and to assist in the development of a new law enforcement agency in East Timor, the East Timor Police Service (ETPS);

(c) To contribute to the maintenance of the external and internal security of East Timor;

3. *Decides* that UNMISET will be headed by a Special Representative of the Secretary-General and will consist of:

(a) A civilian component comprising an office of the Special Representative of the Secretary-General with focal points for gender and HIV/AIDS, a Civilian Support Group of up to 100 personnel filling core functions, a Serious Crimes Unit and a Human Rights Unit;

(b) A civilian police component initially comprised of 1,250 officers;

(c) A military component with an initial strength of up to 5,000 troops including 120 military observers;

4. *Requests* UNMISET to give full effect to the following three Programmes of the Mandate Implementation Plan as set out in section III A 3 of the report of the Secretary-General:

(a) Stability, Democracy and Justice;

(b) Public Security and Law Enforcement;

(c) External Security and Border Control;

5. *Decides* that internationally accepted human rights principles should form an integral part of training and capacity building carried out by UNMISET under operative paragraph 2 of this resolution;

6. *Authorizes* UNMISET, under Chapter VII of the Charter of the United Nations, to take the necessary actions, for the duration of its mandate, to fulfil its mandate, and decides to review this issue and all other aspects of UNMISET'S mandate after 12 months;

7. *Decides* that progress towards achievement of the milestones of the Mandate Implementation Plan should be kept under review and that downsizing of UNMISET should proceed as quickly as possible, after careful assessment of the situation on the ground;

8. *Decides further* that UNMISET will, over a period of two years, fully devolve all operational responsibilities to the East Timorese authorities as soon as is feasible, without jeopardizing stability;

9. *Urges* Member States and international agencies and organizations to provide support as requested by the Secretary-General, in particular in support of the full establishment of the ETPS and the East Timor Defence Force;

10. *Underlines* that further United Nations assistance to East Timor should be coordinated with the efforts of bilateral and multilateral donors, regional mechanisms, non-governmental organizations, private sector organizations and other actors from within the international community;

11. *Calls* for the rapid conclusion of and full observance of the agreements and arrangements necessary to give effect to the mandate of UNMISET, including a Status of Forces Agreement, and command and control arrangements which will operate in accordance with standard procedures of the United Nations;

12. *Welcomes* the progress made in resolving pending bilateral issues between Indonesia and East Timor, and stresses the critical importance of cooperation between these two Governments, as well as cooperation with UNMISET, in all aspects, including in implementation of the relevant elements of this and other resolutions, in particular by working together to secure agreement on the issue of border demarcation, by ensuring that those responsible for serious crimes committed in 1999 are brought to justice, by helping ensure repatriation or resettlement of refugees currently in Indonesia and by continuing to work together to curb criminal activities, in all their forms, including by militia elements, in the border area;

13. *Requests* the Secretary-General to keep the Council closely and regularly informed of progress towards the implementation of this resolution including, in particular, with regard to progress towards achievement of the milestones in the Mandate Implementation Plan, and to submit a report within six months of the date of adoption of this resolution and every six months thereafter;

14. *Decides* to remain actively seized of the matter.

United Nations S/2002/540

Security Council

Distr.: General
15 May 2002
English
Original: French

Letter dated 14 May 2002 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 10 May 2002 from Mr. Léonard She Okitundu addressed to Mr. Adama Dieng, Registrar of the International Tribunal for Rwanda, in which he invites the authorities of the Tribunal to consider the possibility of establishing a unit of the Tribunal in the Democratic Republic of the Congo.

I should be grateful if you would have the text of this letter and the annex thereto circulated as documents of the Security Council.

(*Signed*) Atoki **Ileka**
Ambassador
Permanent Representative

02-38354 (E) 160502 160502

Annex to the letter dated 14 May 2002 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

Letter dated 10 May 2002 from the Minister of Foreign Affairs and Cooperation of the Democratic Republic of the Congo addressed to the Registrar of the International Tribunal for Rwanda

With a view to implementing cooperation between the International Tribunal for Rwanda and the Democratic Republic of the Congo, I have the honour to invite the authorities of the Tribunal to consider the possibility of establishing a unit of the Tribunal in the Democratic Republic of the Congo, specifically in the Congolese capital.

During your visit to Kinshasa last February, you stated that, given their mobility, some suspects or accused persons sought by the Prosecutor of the Tribunal might move to certain countries in the subregion, in particular the Democratic Republic of the Congo. At that time, you expressed a wish for close cooperation between the Tribunal and my Government. Obviously, all the Congolese authorities, including the Head of State and myself, gave our agreement in principle to cooperate in this work of international justice.

Recently, reiterating the position of the Rwandan Government, the Deputy Chief of the General Staff of the Rwandan Patriotic Army stated that the leaders of *Interahamwe* and the former Forces armées rwandaises who are suspected or accused of genocide by the Tribunal and who were said to threaten the security of Rwanda had their base in Kinshasa. At the same time he stated that his army would remain in the Congo as long as those suspects or accused persons remained at liberty. It therefore appears to be more than ever necessary to arrest those presumed to have committed genocide and to bring them before the Tribunal, in accordance with article 1 of the Statute of the Tribunal and chapter IX of the Lusaka Agreement, or before the Rwandan, Congolese or other national courts, in order to calm people's minds.

Such a step would definitely resolve the security concerns of Rwanda, would promote Rwandan national reconciliation and should logically induce the Patriotic Rwandan Army to leave the Democratic Republic of the Congo and, accordingly, result in regional reconciliation. In the event that the persons sought are not in the

Copies to:

Mr. Kofi Annan
Secretary-General of the United Nations

Mrs. Navanethem Pillay
President of the International Tribunal for Rwanda

Mrs. Carla Del Ponte
Prosecutor of the International Tribunal for Rwanda

Congo, only an independent international body such as the International Tribunal would be able to draw up the relevant report in an impartial manner. In both cases, Rwanda would no longer have any security pretext for maintaining its troops in my country.

From a practical standpoint, the establishment of a unit in the Democratic Republic of the Congo would be beneficial for the Tribunal. By maintaining its presence in the country through an investigative service of the Prosecutor's Office and/or a unit of the Registry, the Tribunal would be closer to those subject to trial. This geographical proximity to the persons suspected or accused and to possible witnesses would enable it to see its investigations in Congolese territory through to a successful conclusion.

From a legal standpoint, article 28 of the Statute and rule 56 of the Rules of Procedure and Evidence of the Tribunal provide for cooperation with States. Moreover, the *ratione loci* and *ratione personae* competencies of the Tribunal justify such localization. It will be recalled that, in addition to its offices in Arusha, the Tribunal also already has other offices in The Hague, in Kigali and in New York.

From the social and political standpoint, this unit or office in the Democratic Republic of the Congo is necessary as a demonstration of justice and as part of the campaign against impunity. By pursuing the guilty, this unit would contribute towards reconciliation between Rwandans, on the one hand, and, on the other hand, between Rwandans and Congolese. It would make it possible to clarify once and for all the thorny question of the presence of presumed perpetrators of genocide in the Congo. Confidence would thereby be re-established between neighbouring countries and peace and security would be restored to the Great Lakes region. These ideals of justice, reconciliation and peace are the goals which Security Council resolution 955 (1994) of 8 November 1994 establishing the Statute of the International Tribunal for Rwanda specifically assigned to the Tribunal.

This proposal for the establishment of a unit of the International Tribunal for Rwanda in the Democratic Republic of the Congo is a new initiative of the Congolese Government and follows its proposal for the creation of an international commission to investigate armed groups in the Democratic Republic of the Congo, a proposal which has unfortunately not been accepted by the United Nations Security Council which has preferred to entrust that task to MONUC. It is also known that Rwanda is continuing to cite the existence of these armed groups (*Interahamwe* or former Forces armées rwandaises) as a reason for perpetuating its military presence in the Congo.

Our invitation to establish a unit of the Tribunal in the Democratic Republic of the Congo is evidence of the commitment of my Government to ensuring that justice is done to the victims of the Rwandan genocide and massacres. It demonstrates the good faith and the desire for transparency of the Government of the Democratic Republic of the Congo in the process of the disarming of the armed groups. It has the advantage of removing any security pretext from the Rwandan Government, thus making the presence of its occupation troops in the Democratic Republic of the Congo unnecessary. The Congolese people would thus recover their sovereignty and territorial integrity. Lastly, it is aimed at restoring peace in the Democratic Republic of the Congo and throughout the Great Lakes region.

I hope that the authorities of the Tribunal will seize this occasion to strengthen our ties of cooperation.

Accept, Sir, the assurances of my highest consideration.

(*Signed*) Léonard **She Okitundu**

United Nations S/2002/541

Security Council

Distr.: General
15 May 2002

Original: English

Letter dated 13 May 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Afghanistan addressed to the President of the Security Council

In accordance with paragraph 10 of Security Council resolution 1390 (2002), I have the honour to transmit herewith a report of the Monitoring Group established pursuant to resolution 1363 (2001). I should be grateful if it could be brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Alfonso **Valdivieso**
Chairman
Security Council Committee established
pursuant to resolution 1267 (1999)

02-36613 (E) 200502

Annex

Letter dated 29 April 2002 from the Chairman of the Monitoring Group established pursuant to resolution 1390 (2002) addressed to the Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Afghanistan

On behalf of the members of the Monitoring Group established pursuant to Security Council resolution 1363 (2001) and assigned, pursuant to resolution 1390 (2002), to monitor for a period of 12 months the implementation of the measures referred to in paragraph 2 of the latter resolution, I have the honour to enclose a report in accordance with paragraph 10 of resolution 1390 (2002) and your letter of 20 March 2002.

(*Signed*) Michael E. G. **Chandler**
Chairman
Monitoring Group
pursuant to resolution 1390 (2002)

(*Signed*) Hasan A. **Abaza**
Expert member

(*Signed*) Philippe **Graver**
Expert member

(*Signed*) Surendra **Shah**
Expert member

Enclosure

Report of tne Monitoring Group established pursuant to Security Council resolution 1363 (2001) and extended by resolution 1390 (2002)

Summary

In paragraph 10 of its resolution 1390 (2002), the Security Council requested the Monitoring Group, to report to the Committee by 31 March 2002 and thereafter every four months. In keeping with the spirit of the resolution and the commitment to keep the Committee informed of its work, the Chairman of the Group proposed that the date of submission of the initial report be extended to 30 April 2002 to allow the Group to analyse the "90-day" reports from States, which were due by mid-April.

The Group was mandated to monitor, for a period of 12 months, the implementation by States of the measures referred to in resolution 1390 (2002) with respect to Osama bin Laden, al-Qa'idah and the Taliban, their associates and associated entities. The measures include a freezing of funds and other financial and economic assets, a travel ban against the individuals on the United Nations consolidated list, and an embargo on the sale, supply or transfer of weapons and ammunition and all other related military materiel and support to those on the list.

In order to fulfil the mandate, which is very broad, comprehensive and challenging, the Group adopted a twin-track approach. The first involves the acquisition and analysis of information obtained from many sources, including Governments and international and regional organizations. Concurrent with these activities the Group has commenced investigations into a number of specific cases, which concentrate on individuals and entities alleged to be in violation of sanctions imposed by the Security Council.

This first report covers the preparatory phase. One of the key instruments available to States to enable them to effectively implement resolution 1390 (2002) is the list. The Group has made a number of recommendations concerning the list with the aim of enabling States to use it more easily and effectively. These include the number of identifiers for individuals and entities on the list, the "cultural construction" of some of the names, the position of titles and the format in which the list is maintained.

The Group has noted that al-Qa'idah and its associates appear to have diversified the movement and security of their finances by acquiring commodities such as gold and diamonds, and by using alternative remittance systems in addition to the formal banking system. In the case of the trade in rough diamonds, the report makes reference to the progress being made with the Kimberley Process.

The Group met early in the reporting period with representatives of Afghanistan, the Islamic Republic of Iran, Pakistan and Saudi Arabia to ascertain the measures their Governments were implementing with respect to the movement of pilgrims to the hajj and the possibility that individuals subject to the travel ban might try to escape. The recommendations made in relation to the list will also facilitate the implementation by States of measures related to the travel ban.

On the subject of the arms embargo, the Group wishes to reinforce some of the measures already recommended by other United Nations expert panels concerning the standardization of end-user certificates. In addition, the Group is working to establish a register of all known arms dealers and would recommend that all arms-producing countries become participating States in the Wassenaar Arrangement.

As at 29 April 2002, 43 reports had been received from States as requested by the Security Council in paragraph 6 of resolution 1390 (2002). The Group has been able to make an initial comparative assessment of 33 of these reports, an overview of which is included in the present report.

The Group is conscious that some of the points discussed and the recommendations made in this preliminary report may appear initially to have broad implications, but they have been made in the knowledge that, without the commitment of States to general controls and conventions, it will be more difficult to implement measures which are specific to resolution 1390 (2002) with respect to Osama bin

Laden, members of the al-Qa'idah organization, the Taliban and others.

The Group is appreciative of the support and assistance provided to date by the majority of States, an approach which the Group would encourage all States to adopt, as without such commitment it will be difficult for the Group to effectively implement its mandate.

As a result of the information acquired to date and its analysis, the Group will, during the next phase, concentrate its efforts in working closely with Governments, organizations and agencies of States in Europe, the Middle East, and central and southern Asia.

I. Introduction and background

1. The Security Council, on 16 January 2002, acting under Chapter VII of the Charter of the United Nations, adopted resolution 1390 (2002) imposing financial prohibitions, a travel ban and an arms embargo on Osama bin Laden, members of al-Qa'idah, the Taliban and other individuals, groups, undertakings and entities as referred to in the list established and maintained by the Committee established pursuant to resolution 1267 (1999).

2. By paragraph 9 of resolution 1390 (2002), the Security Council requested that the Secretary-General assign the Monitoring Group established pursuant to paragraph 4 (a) of resolution 1363 (2001) to monitor for a period of 12 months the implementation of the measures referred to in paragraph 2 of resolution 1390 (2002). In paragraph 10 of resolution 1390 (2002), the Security Council requested the Group to report to the Committee established pursuant to resolution 1267 (1999).

3. The Group's previous mandate, pursuant to Security Council resolution 1363 (2001), had considerable visibility, in that it focused, to a large extent, on the States contiguous with Afghanistan, together with States that had demonstrated support and/or sympathy for the former Taliban regime. The Group's current mandate is markedly different in that it is now more comprehensive and much broader. Furthermore, whereas the Group's previous mandate provided for the deployment of up to 15 specialists on the ground, in the form of a Sanctions Enforcement Support Team, no such provision exists in this new mandate. Thus, the effective implementation of the Group's mandate rests squarely with the Group and the full and unfettered support of States.

II. Methodology

4. Whereas the majority of Security Council mandatory measures have been used against States, sanctions have also been imposed against factions within States, individuals and entities. The measures imposed by resolution 1390 (2002) make possible the concentration of coercive pressure on the targeted individuals and entities. Their implementation, however, requires not only the compliance of States in taking measures as determined by the Security Council but also enhanced cooperation among States. The main challenge for States is to devise an efficient and effective way to implement the measures, given that the nature of the activities that Osama bin Laden, members of al-Qa'idah, the Taliban and their associates are engaged in precludes determination of their particulars. Equally testing is the fact that the targeted individuals and entities are not located in any particular geographical area and that their targeting has assumed global proportions.

5. In view of the magnitude of the task and the challenge it presents, the Group has undertaken a careful review of the approaches that it could take in order to remain focused on the mandate, while simultaneously taking due account of the wider implications of the imposed measures. Consequently, the Group has adopted a twin-track approach. The first involves the acquisition and analysis of relevant information, obtained through discussions with officials of government departments, international and regional organizations, financial institutions and the myriad open sources. Concurrent with these activities the Group has commenced investigations into a number of specific cases, which concentrate on individuals and entities alleged to be in violation of sanctions.

6. This initial report summarizes the preparatory phase of the Group's work and covers the progress made to date in implementing its mandate.

III. Consolidated list

7. The list compiled by the Committee is one of the key instruments available to States to enable them to

effectively implement the measures set out in resolution 1390 (2002). The list forms the basis for government action to freeze bank accounts and other financial or economic assets as well as to prevent the entry into, or the transit through, their territories of those whose names appear on the list. It is also the basis for action to prevent the direct or indirect sale and supply of arms and related materiel, weapons, ammunition, military vehicles, equipment, and the provision of training and assistance to the individuals and entities on the list.

8. During discussions with the Group, a number of government officials expressed concern about the list. The Group informed them that any queries concerning the list should be directed to the Committee, which is responsible for ensuring that the list is kept up to date on the basis of relevant information provided by States. Responding to specific questions about the use of the list in the process of implementing the measures set out in resolution 1390 (2002), those officials indicated that, at the technical level, it presented some problems. It was pointed out that the lack of additional information could at times hinder the ability of States to take the required action.

9. It should be noted that a number of government and banking officials told the Group that they were not aware of the existence of the list established pursuant to Security Council resolutions 1267 (1999), 1333 (2000) and 1390 (2002). Some of them were mindful of the United States Executive Order 13224 (Comprehensive List of Terrorists and Groups Identified under Executive Order 13224), while others noted that one of the problems they experience in performing their duties is that they need to handle too many lists. On all occasions, the Group informed its interlocutors that the Committee maintains a web site to make available and disseminate the list and other relevant information concerning the implementation of the measures set out in resolution 1390 (2002).[1]

10. In reviewing the list, the Group noted that in a number of cases there are insufficient identifiers, while in others the "cultural construction" of the names may leave implementation of the resolution open to possibilities of non-compliance.

11. The Group recognizes that at times the information may not be available or that it may not be possible to make it public so as not to compromise security or ongoing investigations. However, the Group believes that, to the best of their ability and to the extent possible, States should strive to provide as many identifiers as possible, when submitting names of individuals and entities.

12. For individuals the identifiers should, where possible, include:

- Full name
- Aliases
- Gender
- Date of birth
- Place of birth
- Nationality
- National identity number
- Official residence
- Current/last known address
- Passport number and photographs
- Bank account numbers.

13. Additional information, whenever available, may include items such as:

- Family relationships
- Title/position/rank
- Visas
- Employment
- Other identifying numbers
- Places routinely visited.

14. For entities the identifiers may include:

- Full name
- Addresses of head offices and all branches
- Office coordinates — telephone, fax, telex, e-mail and web site addresses
- Registration numbers
- Bank account numbers

[1] http://www.un.org/Docs/sc/committees/Afghanistan/Afg_list_eng.htm.

- Full names, addresses, nationalities and positions of directors and senior managers.

15. The Group also noted that some improvements could be made to the list so that States would be able to use it more easily and effectively. In the process of updating the list, the Group recommends that greater attention be paid to the "cultural construction" of the names of individuals. For example, there are certain protocols in the Arabic language and in Islamic countries that govern the order in which the components of a name are placed. These need to be followed to reduce the possibilities for confusion. It is equally important that, whenever possible, names are submitted in their original language.

16. The Group also recommends that the Committee consider moving any titles, such as Mullah, accorded to certain individuals, so that the title appears after the name and not before it. It should be noted that the title is unlikely to feature in travel documents or in the details of individuals' bank accounts.

17. Notwithstanding the advantages of maintaining the list in alphabetical order, the Group recommends that the Committee maintain it chronologically and numerically. On those occasions when a name is added to the list, it should be placed at the end. When deleting a name, the serial number should be retained, and a note should be added indicating the date on which the name was deleted, the reference of the pertinent decision of the Committee or any other explanation the Committee may deem appropriate.

IV. Freezing of financial assets

18. In paragraph 2 (a) of resolution 1390 (2002), the Security Council requested States to freeze without delay the funds and other financial assets or economic resources of the individuals whose names appear on the list, as well as the funds and other financial assets or economic resources of

> "... groups, undertakings and entities, including funds derived from property owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction, and ensure that neither these nor any other funds, financial assets or economic resources are made available, directly or indirectly, for such persons' benefit, by their nationals or by any persons within their territory."

19. In monitoring and assessing the technical effectiveness and efficacy of the measures described above, the Group has been making use of "link analysis", drawing on open sources and supplementary assistance from Governments and others in seeking to identify individuals and entities associated with those whose names appear on the list. The Group has approached some States to ascertain the success of the measures they have taken and will follow up this approach with visits to these and other countries where significant funding of and associations with Osama bin Laden, al-Qa'idah and the Taliban have previously been identified.

20. The Group welcomes the entry into force on 10 April 2002 of the International Convention for the Suppression of the Financing of Terrorism. It is anticipated that the countries that are now parties to the Convention are in the process of developing the legal apparatus needed to implement the measures called for in the Convention, as well as relevant Security Council resolutions adopted under Chapter VII of the Charter. In combination with the measures mandated by the Council in resolution 1373 (2001), by paragraph 6 of which it established a committee to monitor the implementation of the resolution, known as the Counter-Terrorism Committee, the Group is of the opinion that an environment now exists that is more conducive to the adoption by States of legislation which will enable them to meet their responsibilities under resolution 1390 (2002). For those countries which still lack the necessary legislation, there are a number of bilateral and other initiatives potentially available to provide them with assistance.

21. In addition to the sources of advice and expertise available through the Counter-Terrorism Committee, the members of the Financial Action Task Force on Money Laundering (FATF) are capable of providing assistance to non-FATF members, as appropriate, to comply with its recommendations on terrorist financing.[2] Furthermore, discussions are under way at the Terrorism Prevention Branch of the Centre for International Crime Prevention in Vienna to set up a

[2] The Counter-Terrorism Committee maintains a directory of advice and expertise in the areas of legislative and administrative practices covered by resolution 1373 (2001). The directory is available at http://www.un.org/Docs/sc/committees/1373. The recommendations of FATF and related information are available at http://www1.oecd.org/fatf/TerFinance_en.htm.

programme to provide assistance, if requested, to countries to incorporate the provisions of Security Council resolutions into their domestic legal systems.

22. The Group is of the view that States should make every effort possible to incorporate the necessary regulations into the rules governing their financial systems to ensure that the funding of terrorist activities is curtailed. In this regard practical measures may include the freezing of assets and the blocking of funds of the individuals and entities on the list.

23. The Group has been informed that, by the end of March 2002, no less than 144 countries had blocking orders in place in the context of the war on terrorism. As a result of these orders US$ 103.8 million in assets have been blocked worldwide since 11 September 2001. Approximately half of this sum represents assets connected with Osama bin Laden and al-Qa'idah. The Group is in the process of reviewing the reports submitted pursuant to resolution 1390 (2002) and expects to have a better understanding of the amount of assets frozen by individual States and the problems they have encountered in the process.

24. Notwithstanding the freezing of assets referred to above, it is quite difficult to differentiate among transactions related to "laundered money", organized crime and the financing of terrorist activities. Prior to 11 September 2001, a number of countries had measures in place to combat money-laundering. One of these measures is the "suspicious transaction report", which requires banks to notify their governmental authorities of any abnormal money transactions occurring on their customers' accounts. Individual States set the figure which, if exceeded, acts as one of the criteria by which banks will recognize a suspicious transaction. States may adopt different formats for a suspicious transaction report. An example of a blank suspicious transaction report currently used by the Economic Crime Unit of the United Kingdom's National Criminal Intelligence Service is in annex I.

25. One of the terrorists involved in the attack on the World Trade Center of 11 September 2001, Mohammed Atta, had received a transfer of $69,985 into his account. Atta's bank filed a suspicious transaction report with the Financial Crimes Enforcement Network (FinCEN) of the United States Department of the Treasury. However, this particular transaction was not noticed quickly enough because the report was just one of a very large number and was not distinguishable from those related to other financial crimes.

26. Another way in which criminals and terrorists move their money, to avoid detection, is by means of the Internet. The Group is particularly concerned about the use of the Internet by al-Qa'idah and many of its associates, not only regarding financial transactions but also in support of their communications, command, control and logistics. The Group has commenced investigations with key agencies into the feasibility of preventative measures and means of interdiction which will disrupt and neutralize the ability to operate of such criminals.

27. As a result of the freezing of assets that has been and continues to be carried out globally, there are allegations that al-Qa'idah, for now at least, may be diversifying financial aspects of its logistics support by converting parts of its assets into gold, diamonds and other precious stones, for example lapis lazuli and sapphires. In addition, it has been suggested that it is making use of long-established alternative remittance systems such as *hawala* to move funds.

28. To date, the Group has not been able to substantiate these allegations, but has commenced detailed investigations into these alternative methods of financing. As a first step, and building on the experiences of United Nations expert panels that have been investigating the "conflict" diamond trade, the Group has held a series of meetings in Brussels and Antwerp both with government officials and at the High Diamond Council, to see at first hand the system of controls that has been put in place, including controls to combat the movement of "conflict" diamonds.

29. It was interesting to note the contents of unsolicited reports in Belgian newspapers which accompanied the Group's visit. Although the reasons for the Group's visit, on that occasion at least, were not accurately reported, the very fact that investigations into the affairs of certain dealers were intimated would clearly indicate that some aspects of the business may warrant further investigation, a matter which has been discussed with the Belgian authorities. Events such as the ones described may also indicate the deterrent effect of such a Security Council-mandated group.

30. The Group is concerned that, even with effective controls and their conscientious operation, the diamond trade might be abused to provide a vehicle for money-

laundering and moving financial assets around the world by al-Qa'idah and its associates. The Group welcomes the progress made to date with the Kimberley Process, which aims to establish an international certification scheme for rough diamonds, based primarily on national certification schemes and internationally agreed minimum standards for the basic requirements of a certificate of origin.

31. The Group would suggest, however, that participating States strive for greater accountability and transparency as suggested in the report by the United States General Accounting Office presented to the United States Senate on 13 February 2002.[3] The Group is also concerned that certain States, which now feature prominently in the international rough diamond trade, are not participating in the Kimberley Process.

32. With the benefit of the knowledge gained to date, the Group now intends to visit States in the Gulf region and southern Asia to discuss, with the appropriate authorities, ways and means of implementing regulations and controls in a geographical area where there is a flourishing and unregulated trade in gold and diamonds and in which allegations exist, still unconfirmed by the Group, of al-Qa'idah and Taliban finances and assets being exchanged. This geographical area is also one of the main centres of operation and extensive utilization of the *hawala* system.

33. The Group would like to point out that the *hawala* alternative remittance system could be an obstacle to the implementation of the provisions of paragraph 2 (a) of resolution 1390 (2002). Funds can be frozen only if a formal bank account exists. The *hawala* system allows for the transfer of value without moving money from one bank account to another. Based on trust and the extensive use of connections such as family relationships or regional affiliations, the system allows individuals or entities to transfer value simply on the basis of communications via telephone, fax or e-mail between members of a network of *hawaladars*, or *hawala* dealers, without moving any money.[4] The system is quite often preferred by some groups and individuals, since it can be more cost-effective, efficient and reliable, as well as less bureaucratic, than obtaining a cheque or ordering a wire transfer. Furthermore, using the *hawala* system to transfer value leaves virtually no paper trail, making it a preferred means for illicit financial transactions and money-laundering.

34. The attention of the Group has also been drawn to the extent to which some charitable organizations are said to feature as a financial conduit for the support of al-Qa'idah. The Group is conscious of the fact that the majority of charities fulfil the humanitarian assistance functions for which they have been established. In many countries, however, these humanitarian organizations are free to operate without government controls, leaving them open to being used as a cover, often in parallel with the functions stated in their charter, for funnelling finance to al-Qa'idah and its supporters and associates. The Group intends to investigate further this aspect in conjunction with the appropriate fiscal authorities of the States.

V. Travel ban

35. In paragraph 2 (b) of resolution 1390 (2002), the Security Council requested States to "prevent the entry into or the transit through their territories" of individuals on the list.

36. All individuals whose names appear on the list are barred from travelling to and through States. The Group realizes that not all those on the list will be directly affected by the travel restrictions. Travel bans carry greater weight when applied against individuals who wish to travel internationally using international commercial flights and those who wish to travel openly. In the case of members of the former Taliban regime who are on the list, the Group is of the opinion that many may not have the need or the desire to travel internationally. This does not mean, however, that they may not attempt to cross the border into a neighbouring country. In the case of al-Qa'idah and its associates, the travel ban is more meaningful because it may assist in hampering the movement of individuals who intend to engage in terrorist activities.

37. Early in the reporting period, the Group met with representatives of Afghanistan, the Islamic Republic of Iran, Pakistan and Saudi Arabia to ascertain the measures their Governments had taken with respect to the travel ban, especially in the light of the then

[3] United States General Accounting Office, "International trade: significant challenges remain in deterring trade in conflict diamonds" (GAO-02-425T).

[4] For an example on how the system works, see P. M. Jost and H. S. Sandhu, *The Hawala Alternative Remittance System and Its Role in Money Laundering* (Interpol-FinCEN, 2000), pp. 7-10.

impending hajj and the likelihood that some members of the former Taliban regime and al-Qa'idah might use the opportunity of travel related to the hajj to try to escape. The Group was briefed on the quota system that had been developed for the number of pilgrims from each country and its operation. The Group was also informed about additional measures that had been taken including tighter monitoring of the borders, particularly of those States contiguous with Afghanistan; deployment of additional personnel; adoption of more sophisticated checking and registration procedures at entry points, as well as compilation and distribution of visa and entry stop lists.

38. The Group was also briefed on the comprehensive measures the Government of Saudi Arabia had taken to ensure that neither al-Qa'idah nor any other faction or group would disrupt the religious observances in Makkah and Medina.

39. While recognizing that stringent visa regimes may help in preventing the movement of individuals on the list, the Group acknowledges that visa requirements differ from country to country and that countries, especially those that share a common border, may adopt special bilateral visa regimes. The Group has noted that steps have been taken by a number of countries bordering Afghanistan to include changes in their visa regimes to make it more difficult for supporters of al-Qa'idah and members of the former Taliban regime to enter their territory.

40. The Group will continue to ascertain whether States are encountering problems in implementing the travel ban and whether relevant and appropriate information concerning paragraph 2 (b) of resolution 1390 (2002) is made available to consular and immigration officials and those responsible for border controls and at border entry points.

41. On 14 February 2002 the Group informed the Permanent Mission of Pakistan to the United Nations, on the basis of information received, that five important members of the Taliban and/or al-Qa'idah, were at large in Pakistan. The Group noted the arrest on 28 March 2002 in Faizalabad of one of the five named, namely Abu Zubaydah, by Pakistani law enforcement agencies.

VI. Arms embargo

42. In paragraph 2 (c) of resolution 1390 (2002), the Security Council requested States to

> "prevent the direct or indirect supply, sale and transfer, to [the] individuals, groups, undertakings and entities [on the list] from their territories or by their nationals outside their territories, or using their flag vessels or aircraft, of arms and related materiel of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned and technical advice, assistance, or training related to military activities".

43. The Group's task of monitoring the arms embargo is very complex. Unlike other arms embargoes imposed by the Security Council on a State or non-State actor, this one is not confined to a specific area but applies to every location where an al-Qa'idah member or Taliban fighter could shelter or be based. The Group remains concerned that members of the Taliban and al-Qa'idah continue to engage in guerrilla warfare in certain parts of Afghanistan, therefore posing a considerable threat to peace and security. This assessment is supported by recent reports of the "hit and run" attacks against both the International Security Assistance Force, in and around Kabul, and the United States-led coalition forces in a number of locations in southern and eastern Afghanistan. With this shift in their tactics, the weapons that al-Qa'idah and the Taliban are likely to use are small arms, light support weapons, man-portable missile systems, mortars and rocket launchers.

44. Consequently, it is increasingly important for the Group to focus its monitoring efforts on the movement of these types of arms and the associated ammunition. It is estimated that there are approximately 10 million small arms in Afghanistan.[5] These weapons are relatively easy to produce and conceal. Furthermore, the producers of such weapons are numerous and the smuggling networks are well developed and organized.

45. The ability of the Taliban and al-Qa'idah to engage in heavy fighting with very well equipped and trained military forces implies that they still have access to weapons and ammunition in sufficient quantities. For instance, during the United States-led

[5] *Small Arms Survey 2001* (Geneva, Graduate Institute of International Studies), p. 63.

operation "Anaconda"[6] it was reported that some firefights lasted for up to 18 hours. It is estimated that in the prevailing circumstances 100 fighters could fire around 15,000 rounds of small arms ammunition per hour. Although the Group has not been able to verify the sources of the ammunition used in those engagements, it considers that al-Qa'idah and the Taliban can no longer rely exclusively on stockpiles stored in caves and other places, since much of it has been seized or destroyed over the past six months. Therefore it must be assumed that al-Qa'idah and the Taliban fighters in Afghanistan continue to be supplied with ammunition and weapons. Consequently, the arms embargo imposed by resolution 1390 (2002) does not seem to have been entirely successful in achieving one of its objectives.

46. The Group has taken steps to review regulations by which States govern the operation of licit arms brokers operating from within their territories. The Group is in the process of compiling a list of all known arms brokers, including those who have, allegedly, been involved in breaching United Nations arms embargoes. In this regard, the Group has requested from a number of States a list of arms brokers and is waiting for a reply. This would enable the Group to verify and identify gaps in information currently being analysed.

47. The Group is also checking the regulations of States concerning arms transfers, to determine whether or not there are gaps in legislation that would enable traffickers to take advantage of loopholes.

48. Building on the working relationship already established by the Group and, before it, by other United Nations expert panels with the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, the Group has met with the Arrangement's secretariat to discuss a number of issues. As a result of the Group's request concerning illicit arms brokering, the public statement issued by the Wassenaar Arrangement at its seventh plenary meeting (Vienna, 6 and 7 December 2001) contained the following observation:

> "Participating States recognized the importance of controlling arms brokering and agreed to continue discussion with a view to elaborating and refining the criteria for effective legislation on arms brokering, and to continue discussion of enforcement measures."

49. The Group was also encouraged by the concern of the participating States of the Wassenaar Arrangement, expressed in the same public statement, about

> "... illicit arms flows to zones of conflict and areas covered by [United Nations Security Council] embargoes, as well as licit transfers to zones of conflict from States not participating in the Wassenaar Arrangement. They stressed their commitment to support the [United Nations Security Council's] efforts to prevent transfers to ... terrorist groups operating from and in Afghanistan."

50. It should be noted that although the Wassenaar Arrangement does not cover notification of sales of new small arms, it does cover the notification by participating States of the sale or transfer of used small arms and light weapons, for example from demilitarized national stocks.

51. The Group's discussion with the Arrangement also explored measures being considered by the participating States to improve the overall effectiveness of controls in the arms industry and to reinforce recommendations of other United Nations mechanisms concerning the standardization of end-user certificates.[7] The Group raised the subject and the modalities of the transfer of property rights. The Group is concerned that, in most cases, when a legitimate sale takes place, the supplier considers that the property rights of the items ordered are transferred when they pass the factory gate. On the other hand, most buyers consider that they have not acquired the property rights until the items are in their possession. Hence there is a "time vacuum" when it is possible to divert a consignment, especially in those cases where the transaction is handled by a dealer or a third party.

52. The discussions also touched on the membership of the Wassenaar Arrangement. The Group is of the opinion that membership by all arms-manufacturing countries in the Arrangement would greatly facilitate the efforts to achieve better and more comprehensive standards in the area of arms control.

[6] Operation conducted in eastern Afghanistan during March 2002. Operation Anaconda included the Shah-i-Kot engagement.

[7] The certificates, which are regularly forged, are one of the key aspects of the arms trade.

53. The Group maintains a working relationship with the International Atomic Energy Agency, at its request, in view of the Group's work in connection with weapons of mass destruction. There is sufficient evidence of al-Qa'idah's intention to attempt to develop such weapons. The Group will therefore continue discussions on the subject with States during forthcoming visits.

54. In the Group's previous report (S/2002/65), issued pursuant to resolution 1363 (2001) on 15 January 2002, reference was made to the existence in Afghanistan, prior to 11 September 2001, of a number of Scud missiles. To date the Group has received no information concerning the location, ownership or status of these surface-to-surface missiles. The Group remains concerned that, until the location and status of these weapons is known, the possibility of the missiles or parts of them falling into the wrong hands cannot be ignored.

VII. Analysis of "90-day" reports submitted by States pursuant to resolution 1390 (2002)

55. All States were requested to report to the Committee by 16 April 2002 on the steps taken to implement the measures required by resolution 1390 (2002). To assist States in preparing the reports the Committee prepared guidelines for submission of reports by States pursuant to Security Council resolution 1390 (2002). On the basis of the Committee guidelines the Group has started to develop a database to assist in the process of reviewing and analysing the reports submitted. As at 29 April 2002, 43 States have reported to the Committee. The Group has been able to review 33 of these reports, while the remaining 10 have been sent for translation. A brief overview of the reports is found in annex II. In 11 of the reports, States refer, in general terms, to information already submitted pursuant to resolution 1373 (2001), while 6 refer to specific paragraphs of their response to resolution 1373 (2001).

56. The Group has prioritized those reports which it wants to further discuss with States, including States that have common borders with Afghanistan, those that maintained close political and economic ties with the Taliban regime, and those whose legal frameworks may require strengthening in order to better implement the freezing of assets, the tightening of banking regulations and the improvement of border and customs controls. In analysing the reports, the Group will assess to what extent States have implemented the measures called for in paragraph 2 of resolution 1390 (2002). That analysis will give the Group a better understanding of the difficulties States face in implementing these measures. The Group will also try to identify specific areas in which States can enhance their capacity to implement the measures set out in resolution 1390 (2002).

57. So far, an initial analysis of the reports received indicates a considerable divergence in the contents. Even allowing for overlap, in the information requested by the Counter-Terrorism Committee, of general measures being taken to combat international terrorism and the much more specific requirements of resolution 1390 (2002), a number of responses will necessitate further follow-up with States. The variance in the information provided highlights the need for some countries to enact enabling legislation to accommodate the requirements of Security Council resolutions adopted under Chapter VII of the Charter, but shows that others are in a position to enforce the measures with governmental decrees or through administrative measures. Closer adherence to the Committee's guidelines for submission of the reports would simplify the work of the Group.

58. The Group is of the opinion that many States are not fully aware of the mandate of the Group as distinct from the role and function of the Counter-Terrorism Committee. This subject has been raised by a number of government officials during the Group's meetings with States. On those occasions the Group was able to explain the difference.

VIII. Observations and conclusion

59. Failure to share intelligence information is always a problem, and there are legitimate concerns related to ongoing criminal cases. Those legitimate concerns, however, do not completely account for the apparent lack of transparency in providing information about individuals or entities. The Group has found some States to be extremely helpful, while the reluctance of others to provide information could be described as almost obstructive.

60. The effective implementation of the measures stipulated in resolution 1390 (2002) depends heavily on

the list. In order to simplify its use by States and to prevent the information it contains being misinterpreted the Group has identified a number of improvements.

61. The FATF report of June 2001 indicates that the amount of money laundered globally is estimated at $500 billion to $1 trillion per year. Much remains to be done, especially when considering those who are on the list and who have shifted their assets to financial venues where enforcement is less robust — thereby making them less accessible — and those who do not yet appear on the list.

62. Similarly, whereas some States have clearly made considerable efforts to reduce the opportunities for al-Qa'idah and the Taliban and their supporters and sympathizers to have ready and unhindered access to financial and economic assets, other States have not yet done so.

63. Commitment to United Nations conventions and international agreements aimed at establishing improved norms of international responsibility and, in some cases, better controls in problem areas such as financing of terrorist activities and arms trafficking is to be encouraged. Without such commitment the more specific measures required under resolution 1390 (2002) will be more difficult to implement.

64. There are allegations, as yet unconfirmed by the Group, that al-Qa'idah has diversified its global financial transactions into trading in gold and precious stones, and is using alternative remittance systems in addition to the formal banking system.

65. Al-Qa'idah and its associates continue to utilize the Internet as an effective means of communicating globally and in support of their logistics requirements. Efforts to hinder and even neutralize this capability will continue to pose a major challenge for law enforcement agencies worldwide, but methods of combating this aspect of al-Qa'idah operations and those of its associates must be addressed with energy and resourcefulness and without delay.

66. The Group fully recognizes that the ultimate responsibility for implementing all Security Council resolutions in general, and 1390 (2002) in particular, rests with States. The Group also acknowledges that relevant information needs to be provided to States to enable them to fulfil their tasks. However, the Group suggests that States take a more proactive approach when implementing the measures called for in paragraph 2 of resolution 1390 (2002), especially in those cases where States encounter problems.

67. As a result of the information acquired to date and its analysis, the Group will, during the next phase, have to concentrate its efforts in working closely with Governments, organizations and agencies of States in Europe, the Middle East, and central and southern Asia.

IX. Recommendations

The list, with respect to its use for freezing financial assets and implementation of the travel ban

68. The Group recommends that the list contain the minimum criteria needed to enhance implementation and minimize the risk of non-compliance. In updating the list, the Group recommends:

69. That on all possible occasions the names on the list should follow the correct cultural construction. Titles such as Mullah should be placed after the name.

70. That the list should be maintained chronologically and numerically. When a name is added to the list, it should be placed at the end. When an individual or an entity is removed from the list, it is recommended that the serial number be retained, duly annotated with the reference of the executive body authorizing the deletion and any other explanation the Committee may deem appropriate. Preparing the list in a format that will allow it to be presented either numerically or alphabetically is considered by the Group to be highly desirable, especially for its use by financial institutions and immigration officials.

71. To improve dissemination of the list and to reduce the opportunities for non-compliance the Group is of the opinion that it would be helpful if the list were produced in all the official languages of the United Nations.

72. States should strive to provide as many identifiers as possible when submitting names for inclusion in the list to reduce the chances for ambiguity and cases of mistaken identity.

73. States should ensure that the list is widely disseminated to all relevant government officials at

every level required to ensure the effective implementation of resolution 1390 (2002).

Freezing and control of financial assets

74. The Group encourages States to become parties to the International Convention for the Suppression of the Financing of Terrorism, committing themselves to this Convention as a general step towards implementing the measures required under resolution 1390 (2002).

75. The Group recommends that all States that are involved in the trade of rough diamonds participate in the Kimberley Process in order to reduce the opportunities for the diamond trade to be abused by al-Qa'idah and its supporters as a means of moving financial resources without detection.

Arms embargo

76. The Group would encourage all arms-producing States to become members of the Wassenaar Arrangement. This would increase the transparency of international arms exports, which in turn would facilitate the implementation of specific embargoes, such as the one called for in resolution 1390 (2002).

77. The Group considers that, in parallel with the efforts of the Wassenaar Arrangement, States should work towards the standardization of end-user certificates, which will make it much more difficult to counterfeit them.

78. The Group urges States to register and license all their nationals operating as arms brokers or dealers within their territory, as well as persons over whom the State has jurisdiction who may be operating abroad in such a capacity, and to make this information available, on request, to the United Nations groups or mechanisms involved in monitoring arms embargoes.

Annex I

Sample form of suspicious transaction report

NCIS
NATIONAL CRIMINAL INTELLIGENCE SERVICE
John Abbott Q P M , B A (Hons)
Director General

Economic Crime Unit
PO Box 8000
LONDON
SE11 5EN

Disclosure Report

Your Ref:	Sheet No: **1 of 1**
Disclosure Type:	Disclosure Date:
New or Update: **New**	Existing Disclosure ID:
Constructive Trust: ☐	Further Information: ☐
Source ID:	Source Outlet ID:
Today's Date: **15/03/2002**	

Main Subject (Person or Company)

Surname:	Forenames(s):	Title:
Date of Birth:	Gender:	
Occupation:	Employer:	

or

Company Name:	Company No.
Type of Business:	VAT No.
Country of Reg:	

Address (Number, Street, City/Town, County, Country)	Post Code	Type	Current

ID Information	Unique Information ID	Extra Information /Description
Other Information		

Transactions

Disclosed Account Details:			
FI ID:		Sort Code:	
Opened:	Closed:	Turn' Cd:	Turn' Db:
Acct Name:		Acct No:	
Acct Bal:	Bal Date:	Turn' Pd:	
Individual Transactions with Counterparty Account Details:			
1. Date:	Amount:	Currency:	Cr/Db:
Type:	Notes:		
FI ID:		Sort Code:	
Acc Name:		Acct No:	
2. Date:	Amount:	Currency:	Cr/Db:
Type:	Notes:		
FI ID:		Sort Code:	
Acc Name:		Acct No:	
3. Date:	Amount:	Currency:	Cr/Db:
Type:	Notes:		
FI ID:		Sort Code:	
Acc Name:		Acct No:	
4. Date:	Amount:	Currency:	Cr/Db:
Type:	Notes:		
FI ID:		Sort Code:	
Acc Name:		Acct No:	
5. Date:	Amount:	Currency:	Cr/Db:
Type:	Notes:		
FI ID:		Sort Code:	
Acc Name:		Acct No:	
6. Date:	Amount:	Currency:	Cr/Db:
Type:	Notes:		
FI ID:		Sort Code:	
Acc Name:		Acct No:	
7. Date:	Amount:	Currency:	Cr/Db:
Type:	Notes:		
FI ID:		Sort Code:	
Acc Name:		Acct No:	
8. Date:	Amount:	Currency:	Cr/Db:
Type:	Notes:		
FI ID:		Sort Code:	
Acc Name:		Acct No:	

Associated Subject 1 (Person or Company)

Surname:	Forenames(s):	Title:
Date of Birth:	Gender:	
Occupation:	Employer:	
Reason For Association:		

or

Company Name:	Company No.
Type of Business:	VAT No.
Country of Reg:	
Reason For Association:	

or

Subject Already Exists As Main Subject of a Previous Disclosure	
Existing Disclosure ID:	Your Ref:
Reason For Association:	

Address (Number, Street, City/Town, County, Country)	Post Code	Type	Current

Information	Unique Information ID	Extra Information /Description
General Information:		

Associated Subject 2 (Person or Company)

Surname:	Forenames(s):	Title:
Date of Birth:	Gender:	
Occupation:	Employer:	
Reason For Association:		

or

Company Name:	Company No.
Type of Business:	VAT No.
Country of Reg:	
Reason For Association:	

or

Subject Already Exists As Main Subject of a Previous Disclosure	
Existing Disclosure ID:	Your Ref:
Reason For Association:	

Address (Number, Street, City/Town, County, Country)	Post Code	Type	Current

Information	Unique Information ID	Extra Information /Description
General Information:		

Annex II

Brief overview of reports submitted pursuant to Security Council resolution 1390 (2002)

Number of reports received as at 29 April 2002	43
Reports yet to be translated	10
Number of reports analysed	33

Measures taken to implement paragraph 2 (a) of resolution 1390 (2002)

Number of States which have adopted legal measures to implement paragraph 2 (a) of resolution 1390 (2002)	22
Number of States which are in the process of adopting legal measures to implement paragraph 2 (a) of resolution 1390 (2002)	4
Number of States which have adopted administrative measures to implement paragraph 2 (a) of resolution 1390 (2002)	17

Monetary value of assets frozen

	United States dollars
Italy	3 738 000.00 (€4.2 million)
	117 624.00
Japan	600 000.00
Portugal	287.58 (€323.12)
United Kingdom	481 579.23 (£321 052.82)
Total	4 937 490.81

Number of States which have provided account numbers in relation to the assets frozen	None

Measures taken to implement paragraph 2 (b) of resolution 1390 (2002)

Number of States which have adopted legal and administrative measures to implement paragraph 2 (b) of resolution 1390 (2002)	18
Number of States which have adopted only administrative measures	11

Measures taken to implement paragraph 2 (c) of resolution 1390 (2002)

Number of States which have adopted legal and administrative measures to implement paragraph 2 (c) of resolution 1390 (2002)	20
Number of States which have adopted only administrative measures	7

Information submitted to the Counter-Terrorism Committee

Number of reports in which **specific** reference was made to the report submitted pursuant to resolution 1373 (2001)	6
Number of reports in which **general** reference was made in relation to the report submitted pursuant to resolution 1373 (2001)	11

Annex III

Meetings of the Monitoring Group with representatives of Governments, international and regional organizations and private agencies

Austria

International organizations

International Atomic Energy Agency, Department of Safeguards
International Narcotics Control Board
Office for Drug Control and Crime Prevention, Centre for International Crime Prevention, Terrorism Prevention Branch, Global Drug Reduction Enforcement Section, Global Programme against Money Laundering
Organisation for Security and Cooperation in Europe, Senior Police Adviser
Wassenaar Arrangement, secretariat

Belgium

Government

Ministry of Foreign Affairs
Ministry of Economic Affairs
Ministry of Justice
Office of the Public Prosecutor, Brussels

Others

High Diamond Council
Specialist consultants
Media representatives

France

Government

Ministry of Foreign Affairs

International organizations

International Criminal Police Organization (Interpol)

Others

Specialist consultants
Media representatives

Germany

Others

Specialist consultants
Media representatives

United Kingdom

Government

Foreign and Commonwealth Office
Treasury
Department of Trade and Industry
Bank of England
National Criminal Intelligence Unit

Others

Specialist consultants
Media representatives

United States of America

Government

State Department
Department of Treasury

Others

Specialist consultants
Media representatives

The Group maintained dialogue with States and requested specific information from

Permanent Mission of Belgium to the United Nations
Permanent Mission of Bulgaria to the United Nations
Permanent Mission of Egypt to the United Nations
Permanent Mission of the Islamic Republic of Iran to the United Nations
Permanent Mission of Pakistan to the United Nations
Permanent Mission of Saudi Arabia to the United Nations
Permanent Mission of Singapore to the United Nations
Permanent Mission of Somalia to the United Nations
Permanent Mission of the United Arab Emirates to the United Nations

The Group had briefings with experts on issues including

Money-laundering and assets freezing
Alternate remission systems
Human rights (arms control measures)